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HSUS NEWS

THE HUMANE SOCIETY OF THE UNITED STATES

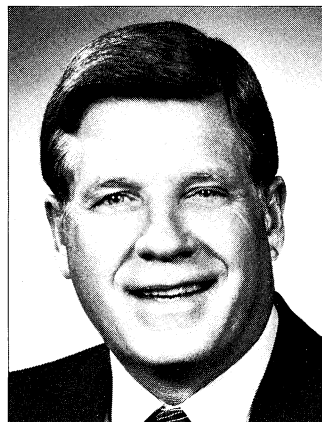
SPRING 1989

VOL. 34 NO. 2

A Well-deserved Victory *Principle of free debate upheld by court*

In January, the appellate division of the Supreme Court of New York threw out a libel suit brought by Immuno AG, an Austrian medical-supply firm, against Dr. J. Moor-Jankowski, a researcher at New York University Medical School. While Dr. Moor-Jankowski was the sole remaining defendant at the time of the appeal, the suit had its origins in a letter written by Dr. Shirley McGreal, chairwoman of the International Primate Protection League, to the *Journal of Medical Primatology*, which Dr. Moor-Jankowski edited. Dr. McGreal's letter criticized Immuno's plans to establish a chimpanzee-research facility in Sierra Leone, West Africa, on grounds of the plan's possible impact on wild chimpanzee populations and its apparent purpose of getting around international laws and treaties restricting trade in endangered species, among others. The letter was published in December 1983, after which Immuno sued Dr. Moor-Jankowski, Dr. McGreal, and a number of other defendants for libel. (The HSUS and several other animal-protection and wildlife organizations filed a brief as *amici curiae*, emphasizing the importance of free and untrammelled public debate in matters concerning the environment and endangered species.)

In many senses, animal-protection organizations and others that depend upon speaking out and alerting the public in the face of the daunting accumulation of material resources that business corporations possess should be heartened by the appellate division's decision. In addition to declaring Dr. McGreal's letter to be not only clearly protected opinion but also "demonstrably true," the court sharply criticized the trial court for not cutting off the litigation at an early stage. "To unnecessarily delay the disposition of a libel action," the court declared, "is not only to countenance waste and inefficiency but to enhance the value of such actions as instruments for harassment and coercion inimical to the exercise of First Amendment rights."



John A. Hoyt, President

The court's opinion thus represents a welcome vindication of Dr. McGreal and those who courageously alert the public to the truths of animal exploitation. It is to be hoped that the court's opinion, in its completeness and scholarship, will have a salutary effect upon plaintiffs who may seek to use defamation law to still the voice of animal advocates and upon trial judges, at least in New York State, who, guided by the decision, will strive to terminate such suits as soon as possible, to the relief of charitable defendants whose funds are strained by legal fees as well as by liability-insurance premiums.

When one considers that Dr. McGreal's statements were in the form of a letter to the editor—a forum in which unfettered give-and-take is expected and which is a premiere showcase of the free marketplace of ideas in this country—that Dr. McGreal's letter dealt with a subject of undeniable public and international concern (the protection of endangered species) and that, in spite of these facts, an appellate court required a turgid, technical decision to resolve the case, one wonders whether the court's opinion really represents enhanced protection or rather a failure of the judicial system to protect controversial speech on clearly public issues. Overall, the courts have failed to lay down a simple standard, one that grants an overwhelming presumption of protection to speakers on matters of public concern or interest, which would include virtually all issues involving the use and exploitation of animals. Perhaps awarding attorneys' fees to the prevailing party in libel litigation and imposing sanctions against plaintiffs' attorneys, when justified, would go a long way toward discouraging the sport of harassment suits against animal advocates and public-interest organizations, but such measures are rarely, if ever, taken.

The HSUS salutes Dr. McGreal for her courageous stand, which has served to enhance greatly the right of individuals and organizations to criticize and censure those who would abuse animals. ■

John A. Hoyt

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HSUS NEWS

THE HUMANE SOCIETY OF THE UNITED STATES

SPRING 1989

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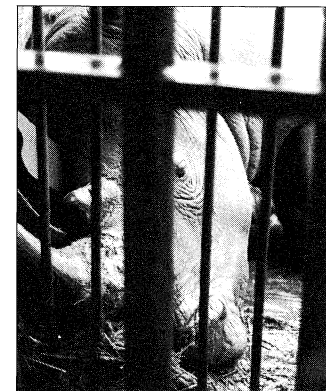
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Cover photo by C.C. Lockwood

NO NEW HANDICRAFTS

The Marine Mammal Protection Act (MMPA), which was reauthorized in 1988, prohibits all killing of marine mammals, including whales, dolphins, sea lions, and fur seals, although native Alaskans are allowed to use a limited number of marine mammals for subsistence and subsistence-level traditional native handicrafts. However, the natives are attempting to increase the number of marine mammals they may take by broadening the definition of traditional handicrafts.

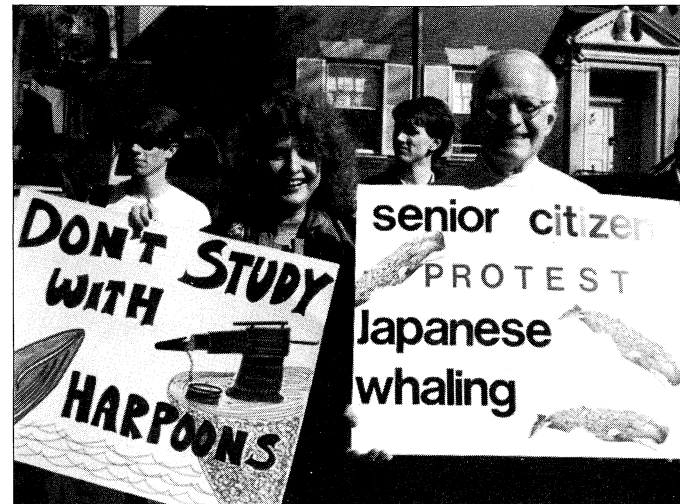
To counter this attempt, The HSUS recently submitted comments to the U.S. Fish and Wildlife Service (FWS) on the use of marine mammals in handicrafts by Alaskan natives. The HSUS

told the FWS that the natives' exemption should be interpreted as narrowly as possible, in order to provide the necessary protection for marine mammals, and that no new handicraft activities should be permitted under the MMPA.

FOUNDATION GRANTS

The Parks Foundation provides financial support to organizations for programs to improve the status of animals. Awards are made either for specific projects, the construction of shelters, or for general shelter operating costs.

Applications are now being accepted for this year's grants. To be eligible, organizations must have established IRS 501(c)3 status. For details on



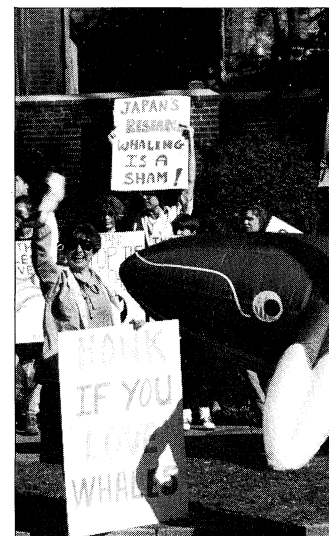
Right, on February 1, 1989, representatives of The HSUS joined other animal protectionists in a demonstration held outside the Japanese embassy in Washington, D.C., to protest Japanese whaling activities. Above, HSUS Senior Vice President Patricia Forkan and John Gleiber, executive secretary of the Animal Welfare Institute, make their points at the demonstration, held during a visit of Japan's Prime Minister Noboru Takeshita to Washington.

program areas of interest to the foundation and how to apply, write to: The William and Charlotte Parks Foundation for Animal Welfare, c/o Maine National Bank, P.O. Box 3555, Portland, ME 04104.

Grant proposals for the 1989 review cycle are due by May 1, 1989.

SWEDEN PROTECTS FARM ANIMALS

Sweden has passed a new Animal Protection Act which mandates that animals' natural behavior and habits must be considered and provided for by those raising them in captivity. The act will make statutory greater powers for the prevention of cruelty to animals in several different respects. For

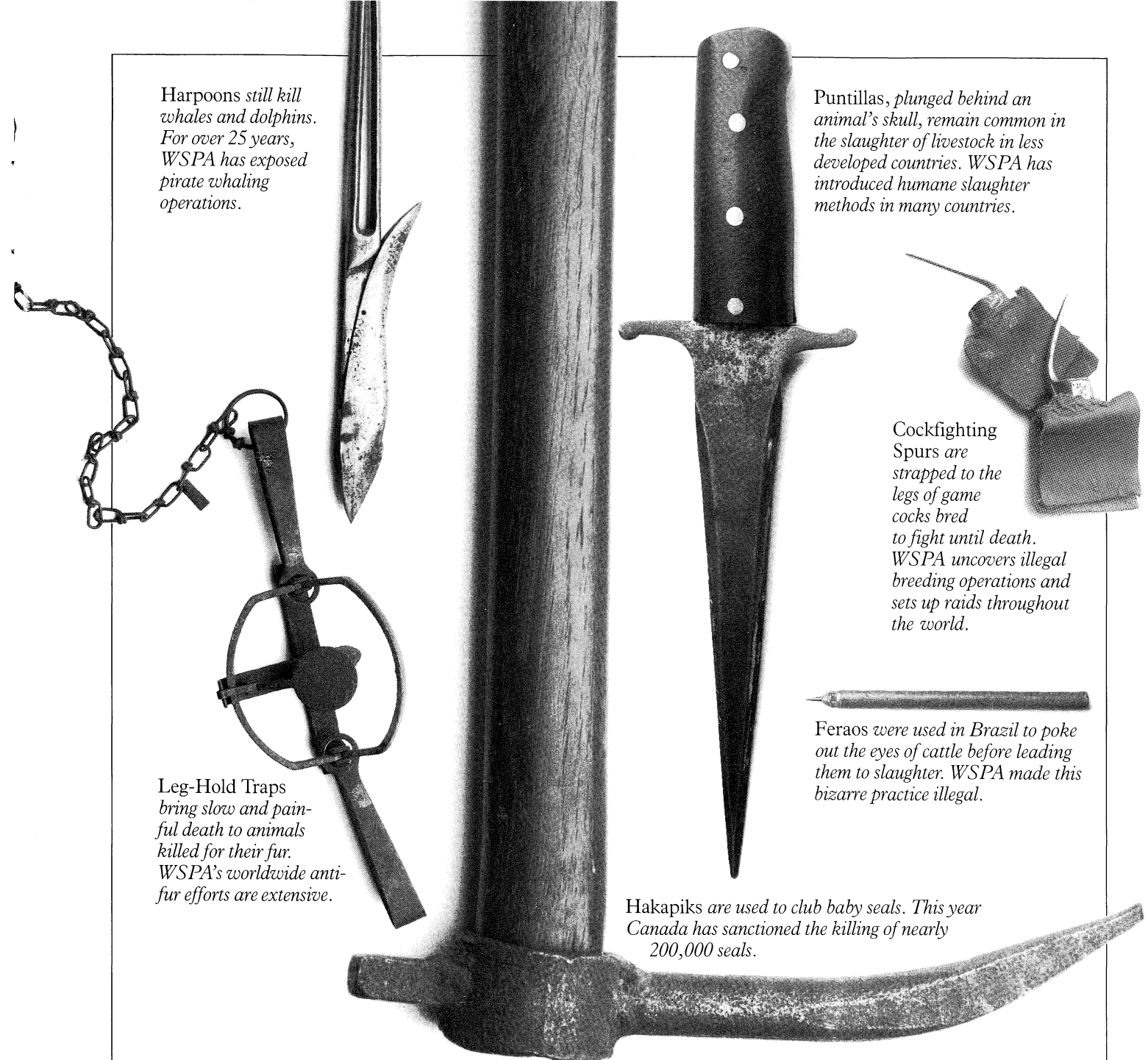


example, cattle must be allowed to graze, and sows must no longer be tethered and must be provided separate areas for sleeping, eating, and elimination. Keeping poultry in battery cages, common practice in this country, will no longer be allowed, and permission will be required for pelt and fur farms.

The act is based on the premise that domestic animals have the right to a favorable environment in which their natural behavior and health are safeguarded.



On February 16, 1989, a coalition of animal-protection groups, led by The HSUS, held a press conference at the National Press Club in Washington, D.C., to announce its petitioning of the U.S. Department of the Interior to take emergency action to list the African elephant as an endangered species (see Federal Report, p.34). Such action would prohibit all commercial trade in ivory in the United States. Present at the press conference were (l-r) Ray Bolze, an attorney with the law firm of Howrey and Simon; Christine Stevens, of the Animal Welfare Institute; and Dr. Susan Lieberman, associate director of wildlife and environment for The HSUS.



Harpoons still kill whales and dolphins. For over 25 years, WSPA has exposed pirate whaling operations.

Puntillas, plunged behind an animal's skull, remain common in the slaughter of livestock in less developed countries. WSPA has introduced humane slaughter methods in many countries.

Cockfighting Spurs are strapped to the legs of game cocks bred to fight until death. WSPA uncovers illegal breeding operations and sets up raids throughout the world.

Ferraos were used in Brazil to poke out the eyes of cattle before leading them to slaughter. WSPA made this bizarre practice illegal.

Leg-Hold Traps bring slow and painful death to animals killed for their fur. WSPA's worldwide anti-fur efforts are extensive.

Hakapiks are used to club baby seals. This year Canada has sanctioned the killing of nearly 200,000 seals.

If you don't think animal protection is a battle, consider the weapons we're up against.

Every day, throughout the world, millions of animals suffer needlessly. We're fighting to stop that suffering. In recent years, we've brought an end to dozens of inhumane acts by changing laws, uncovering illegal activities and educating local

governments. To continue, we need your help. Become a member. Write WSPA, PO Box 190, 29 Perkins St., Boston, MA 02130. Or call (617) 522-7000. Your support is our only line of defense.



World Society for the Protection of Animals.

A THOUSAND ADOPTIONS

NAAHE

The National Association for the Advancement of Humane Education (NAAHE)'s Adopt-A-Teacher program got a tremendous boost from the Michigan Humane Society (MHS) when it became the first organization to "adopt" one thousand teachers. The Adopt-A-Teacher program enables individuals and humane agencies to provide classroom teachers with humane-education materials every month during the school year. Each adopted teacher receives a Kids In Nature's Defense (KIND) Club packet, complete with

student identification cards and materials to help turn the classroom into a KIND Club. In addition, each adopted teacher receives a year's subscription to *Children & Animals* magazine and *Kind News*, the official children's newspaper of the KIND Club. *Kind News* is delivered in bundles of thirty-four copies.

Individuals or organizations that participate in the Adopt-A-Teacher program may adopt any number of teachers they wish. Each adoption costs \$17.95. When organizations adopt one thousand or more teachers, they receive a special benefit: their name and address are printed on the front page of each copy of *Kind News* and may reach up to thirty-four



Shelly Rosenfield, the first teacher adopted by the MHS, receives an adoption certificate from Ron Blauet, MHS director of education.

thousand homes. In this way, humane organizations receive publicity while expanding their humane-education programs. As David Wills, MHS executive director, explains, "Through Adopt-A-Teacher, we know that one thousand classrooms are going to have continual reinforcement of humane values on a daily basis. No visiting humane-education specialist, no matter how efficient, could reach that many classrooms so consistently. I would strongly urge other shelters and humane societies to participate in the Adopt-A-Teacher program."

For more information on the Adopt-A-Teacher program, contact NAAHE, P.O. Box 362, East Haddam, CT 06423. ■

You Can Help the Animal Shelter in Your Town . . . Even if you never go there.

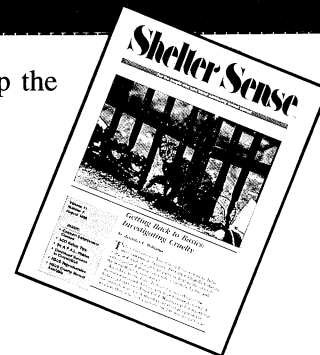
You can help your local animal shelter care for unwanted animals even if you don't work or volunteer there. How?

Buy a subscription to *Shelter Sense* for the shelter staff.

Shelter Sense gives shelter workers the information they need to provide the best care for the animals.

Use this handy coupon.

YES, I'd like to help the animal shelter in my community. Please send a one-year *Shelter Sense* subscription to:



SHELTER NAME

SHELTER ADDRESS

CITY, STATE, ZIP

(If you don't know the address, just give us the shelter name, city, and state—we'll do the rest.)

MY NAME

MY ADDRESS

CITY, STATE, ZIP

I've enclosed my check or money order for \$8.00. Make checks payable to The HSUS. Please return this coupon to Companion Animals Dept., The HSUS, 2100 L St., NW, Washington, DC 20037, along with your payment.

CAMPAIGNS

"Be a P.A.L." Winners Named Pet-overpopulation programs flourish

Be a P.A.L.—Prevent A Litter"—The HSUS's most ambitious and comprehensive pet-overpopulation campaign to date—concluded 1988 with the judging for its "Be a P.A.L." awards program (see the Winter 1988 *HSUS News*). This incentive program was open to all individuals, humane groups, and municipal and nonprofit animal shelters that developed unique, effective programs to combat pet overpopulation at the community level.

We were repeatedly struck by the spirit of cooperation seen in people working together to provide solutions to the problems of pet overpopulation. Not only humane groups but also members of the general public—students, Girl Scouts, mayors, councilmen and -women, media, and senior citizens—became involved in all-out efforts to promote responsible pet ownership. One community passed a spay/neuter ordinance in a collective decision to ensure a better life for its animals. Others undertook cooperative efforts with veterinarians: many entries

reported that local veterinarians offered reduced fees for spay/neuter surgeries, and many actually helped promote April as "Prevent A Litter" Month.

HSUS judges looked for projects that promoted the spay/neuter message. Entries were restricted to projects beginning January 1, 1986, or thereafter. Because The HSUS wanted to involve organizations and shelters at every level, five separate categories were established: I) communities with human populations of under 50,000; II) 50,000–100,000; III) 100,000–300,000; IV) 300,000–500,000; V) 500,000 and up. A sixth category was created to award an individual who, working without the assistance of an organization, mounted an effective pet-overpopulation campaign in his or her community. Selection of all winners was based on the creativity and effectiveness of programs.

The individual award goes to Joy Goldschmidt of Los Angeles, California. Ms. Goldschmidt formed the Cassidy Foun-



This brochure is part of the campaign for the Alliance for Pet Population Control in the San Francisco area.

dation "for the purpose of informing the public about the plight of homeless animals and finding humane solutions to this ever-growing problem." Working with the Los Angeles City Council, Mayor Tom Bradley, and the Department of Animal Regulation, Ms. Goldschmidt initiated a four-month, free spay-and-neuter program that resulted in the sterilization of more than eleven thousand animals. More than five hundred billboards, bus boards, and bus shelters advertised the program. "This campaign demonstrates the powerful force for good which results when civic leaders and leaders of the advertising industry join their forces for the benefit of animals," Ms. Goldschmidt commented.

In 1986, the Chemung County Humane Society of Elmira, New York (First Place, Category I: population less than 50,000), formed an animal-welfare committee to develop goals and objectives for the society that addressed the broad issues of animal welfare. The committee's number-one issue was animal overpopulation. In order to survey community demand, the humane



The Ft. Wayne Department of Animal Control in Ft. Wayne, Indiana, put together a winning program for the community.

ALICE MORGAN WRIGHT—EDITH GOODE
FUND TESTAMENTARY TRUST

December 31, 1987

Statement of Assets and Liabilities

Assets

Trust Corpus 12/31/86	\$ 1,301,076
Gain on Sale of Securities	3,503
1987 Dividend and Interest Income—Net	76,061
TOTAL	1,380,640
Less: Distribution of 1986 Income	(30,100)
Balance 12/31/87	\$ 1,350,540

Represented by

Cash in Interest Bearing Accounts	\$ 499,313
Accrued Interest Receivable	1,678
Investments—Securities at Book Value	789,391
Due from Broker	60,158
Balance 12/31/87	\$ 1,350,540

Statement of Receipts and Disbursements

Receipts

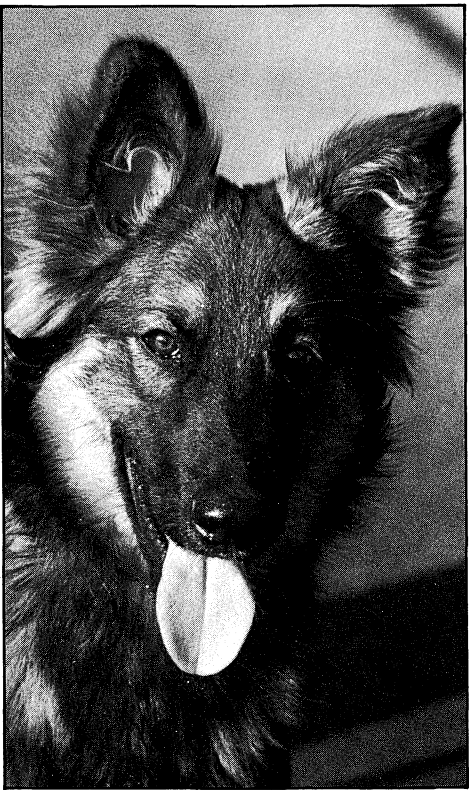
1987 Income from Investments—Net	\$ 79,564
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Disbursements

Grants of 1987 Income to Organizations Listed	\$ 79,564
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Organizations Receiving Aid from
Alice Morgan Wright—Edith Goode Fund 1987 Trust Income

The American Fondouk Maintenance Committee, Inc., Boston, Massachusetts
Animal Protective League, Milwaukee, Wisconsin
The Animals' Crusaders, Inc., Everett, Washington
Asociacion Uruguaya de Proteccion a Los Animales, Montevideo, Uruguay
Assistance aux Animaux, Paris, France
Association for the Prevention of Cruelty in Public Spectacles, Barcelona, Spain
Blue Cross of India, Madras, India
Brooke Hospital for Animals, London, England
Cape of Good Hope S.P.C.A., Plumstead, South Africa
Deutsche Tierfreunde E.V., Munich, Germany
Dublin Society for the Prevention of Cruelty to Animals, Dublin, Ireland
Ferne Animal Sanctuary, Somerset, England
Friends of Dogs, Calcutta, India
Fund for the Replacement of Animals in Medical Experiments, Nottingham, England
Hellenic Animal Welfare Society, Athens, Greece
The International Society for Animal Rights, Inc., Clarks Summit, Pennsylvania
Irish Society for the Prevention of Cruelty to Animals, Dublin, Ireland
La Ligue Francaise des Droites de L'animal, Paris, France
The Missouri League for Humane Progress, Inc., St. Louis, Missouri
Nacogdoches Humane Society, Nacogdoches, Texas
National Equine Defense League, Carlisle, England
National Humane Education Society, Leesburg, Virginia
Nilgiri Animal Welfare Society, Nilgiri, South India
Nordic Society Against Painful Experiments on Animals, Stockholm, Sweden
People's Dispensary for Sick Animals, Surrey, England
Scottish Society for the Prevention of Vivisection, Edinburgh, Scotland
Society for the Prevention of Cruelty to Animals, Fiji, Suva, Fiji
Society for the Protection of Animals in North Africa, London, England
Southern African Federation of SPCA's and Affiliated Societies, Claremont, South Africa
The St. Francis Animal Sanctuary, Assisi, Italy
Tierschutzverein fur Berlin und Umgebung Corp., Berlin, West Germany
Vier Pfoten, Vienna, Austria
World Society for the Protection of Animals, London, England



Reflect for a moment...
how can I help animals even when
I no longer share their world...?

By your bequest for animal protection to The Humane Society of the United States.
Your will can provide for animals after you're gone.

Naming The HSUS demonstrates your lasting commitment to animal welfare and strengthens the Society for this task.

We will be happy to send information about our animal programs and material which will assist in planning a will.

Please send: Will information

Name _____

Address _____

City _____ State _____ Zip _____

Mail in confidence to: Murdaugh S. Madden, Vice President/General Counsel, The Humane Society of the United States, 2100 L Street, NW, Washington, DC 20037.

society, with funds from a bequest, advertised one hundred spay/neuter certificates to be given away on three different dates. All one hundred certificates were given away within the first two hours of the first day! This interaction with the public gave Chemung the opportunity to survey the participants on their knowledge of their own animals and the problems of pet overpopulation. The humane society determined quickly that 1) the public wanted to alter its pets and 2) many people needed assistance. Chemung then began preparation for a spay/neuter-assistance program. Its second phase of work involved the entire community, as the county launched its "Be a P.A.L." program in April of 1988. Proclaiming April as "Prevent A Litter" Month, the county's citizens were involved on all levels. All elementary school children were invited to participate in a poster contest with the theme of kindness to animals and the necessity of spaying and neutering, and children in grades four through six wrote essays or poems on this theme. News releases, public-service announcements, live television appearances, newspaper articles, and letters to the editor (as well as an editorial written by the local newspaper) were used to focus public attention on spaying and neutering. The third phase of the Chemung "Be a P.A.L." program was to implement a permanent spay/neuter-assistance program, unveiled this year. In the past, most veterinarians had been very reluctant to offer any fee reduction for spaying and neutering, but, as of last fall, an agreement with local practitioners was reached that offers such an option.

Naming their program "Don't Litter—Spay/Neuter," the Humane Society of Tom Green County (First Place, Category II: population 50,000–100,000) began aggressively promoting its ideas in April of 1987. Speaking to civic organizations was a first step that opened doors to educating the public about its responsibilities to the animals within the community. A responsible pet-ownership class was developed and is being taught by the director of the animal shelter. When citizens are cited for violations of animal ordinances, their fee is dismissed if they attend the class. After months of educational effort in the com-



The Animal Alliance Society billboard got a lot of attention in El Paso, Texas.

munity, in September of 1987, the city council passed a spay/neuter ordinance for adopted shelter animals. The humane society subsidizes sterilizations in its efforts to defray costs for the new pet owner. In 1988, in partnership with The HSUS's "Be a P.A.L." Campaign, the humane society distributed "P.A.L." posters, offered "P.A.L." litter bags through the local car wash, booked staff on local talk shows, and put up billboards in various locations throughout the summer.

Beginning in 1986, the Fort Wayne, Indiana, Department of Animal Control (First Place, Category III: population 100,000–300,000) launched an aggressive campaign to educate its community about responsible pet ownership and to encourage spaying and neutering. At the end of the year, there had been a 22 percent increase in the usage of the spay/neuter clinic. In 1987, Fort Wayne initiated SNAP (Spay/Neuter Assistance Program); as of November of 1988, \$11,000 had been raised from community contributions, and nearly five hundred animals had been spayed or neutered.

The Animal Alliance Society in El Paso, Texas (First Place, Category IV: population 300,000–500,000) began planning specific outreach programs in 1987 and launched them January 1, 1988. Advertising its "SPAY" phone number, the society

has found that the phone line has become a twenty-four-hour hot line for all phases of animal welfare. In April, when Animal Alliance was promoting the concepts of "Be a P.A.L." through the media, more than three hundred calls were received within the first week, and sterilizations dramatically increased that month. After almost one full year of operation, more than four thousand inquiries have been answered by Animal Alliance volunteers through the "SPAY" phone line. As of December 1988, 1127 surgeries had been completed through the program. Through the help of media and advertising, the program has begun comprehensive education on public responsibility in pet ownership.

Category V (population greater than 500,000) produced not one but three organizations that have offered outstanding programs. The Alliance for Pet Population Control in the San Francisco Bay area met in the fall of 1987 to discuss shared problems of pet overpopulation and methods to attack the problems. It wanted, among other goals, to make spaying and neutering "politically correct" as well as to educate the public and to provide an avenue for people to have their pets sterilized. The group launched its campaign in May of 1988 with a demonstration in San Francisco about the runaway population growth of dogs and cats in the Bay Area. A toll-

free phone number allowed the public to call for a list of veterinarians in the Bay Area that would provide pet sterilization at a reduced fee. The Alliance put together a teaching unit for elementary schools titled "Become a P.O.E.T." (Pet Overpopulation Educator Today) that was implemented in the fall of 1988. Designing its own press kit, the Alliance took on the theme of "Sex Education Isn't Just for People" and distributed television public-service announcements, newspaper ads, posters, and billboards.

The Coalition for Pet Population Control of Los Angeles, the second winner in this category, began in October of 1987 with a single goal: reducing the overpopulation of dogs and cats in its area through spaying and neutering. All eleven public sheltering agencies serving Los Angeles County are participating.

During the first twenty-week-long campaign, more than 7,300 pet owners dialed spay/neuter hot-line numbers after discovering the service through public-service ads on television and radio and in buses, bus shelters, newspapers, and fliers. The second twenty-week campaign has a target of ten thousand calls. Volunteers man the hot lines 120 hours each of the twenty weeks. The coalition has agreements with sixty-six veterinarians and eleven shelter spay/neuter clinics in Los Angeles County, and it recently expanded to include Orange and San Diego counties.

The work of three groups in Philadelphia rounds out Category V's winners. The Women's SPCA of Pennsylvania, the Morris Animal Refuge, and the Pennsylvania SPCA are commended for their well-organized, thoughtful outreach program, beginning with last year's "Be a P.A.L." promotion in April. In its list of goals, the Women's SPCA included "promote good will between veterinarians and humane societies." Thirty-one veterinarians agreed to participate in the "Be a P.A.L." effort by offering 25 percent discounts throughout April, and almost all agreed to participate again. School and community programs during March and April focused on pet overpopulation and spaying and neutering. Mayor W. Wilson Goode proclaimed

April as "Prevent a Litter" Month in Philadelphia; the Philadelphia Electric Company building's crown of lights lit up Philadelphia with the messages "Prevent a Litter" and "Call your SPCA"; public-service announcements were written and distributed throughout the area.

The "Be a P.A.L." campaign was designed to encourage partnerships that could more effectively help animals by working together and sharing ideas, talent, and resources. The results of those efforts translate clearly into a better life for our companion animals. ■



HSUS President John Hoyt (center) and other HSUS staff members met with representatives of cruelty-free cosmetics companies to explore common interests and goals.

LABORATORY ANIMALS

Opening Eyes to Alternatives *Industry, others look beyond Draize, LD50*

Animals are used to test the safety of a variety of products, including drugs, industrial chemicals, cosmetics, and household and personal-care products. Few of these laboratory procedures are as infamous among animal protectionists as the Draize Eye Irritancy Test and the LD50 Test. Both are crude practices that cause tremendous suffering to the animals used as subjects and provide, at best, only a rough estimate of the damage inflicted by a substance to the body. In the Draize Test, a chemical is placed in the eyes of restrained rabbits to determine whether it causes injury. Ulceration and hemorrhaging of the eyeball can

result. In the LD50 Test, chemicals are force-fed or otherwise administered to mice, rats, and other animals. Injury—and even death—are inherent in the LD50 Test; the aim of the test is to determine the dose that kills 50 percent of the animal subjects, hence the name "Lethal Dose 50 Percent" or "LD50."

Bills calling for a ban on animal testing are being introduced at the federal, state, and local levels. Increasing public awareness could eventually eliminate the use of animals in product testing.

Although many companies continue to use animals to determine their products' safety, they are reevaluating that approach,

largely as a result of public pressure. Industry has developed a number of potential alternatives to animal testing, particularly the Draize Test. Several of the most promising of these are being studied to determine which will be most effective.

One of the most heartening recent developments was a January 1989 announcement by the Noxell Corporation, maker of Noxzema and Cover Girl and Clarion cosmetics, that it will screen new cosmetics and skin-care products for safety by applying them to tissue cultures in laboratory flasks rather than in rabbits' eyes. This non-animal test, the Agarose Diffusion Method, was previously scientifically validated to screen the toxicity of plastics in medical devices; now, after two years of study, the test is being applied to eye irritants. According to a letter from Noxell to The HSUS, the company expects this substitution to reduce its use of the Draize Test by 80 to 90 percent.

A growing number of companies has avoided animal testing altogether. The HSUS recently revised its Humane Shopper's Guide, which lists ninety "cruelty-free" manufacturers. Unlike other manufacturers of cosmetics, personal-care products, and related items, these companies rely on careful formulation rather than on scientifically questionable animal tests to ensure the safety of their products. They use ingredients generally recognized as safe, often of "food-grade" quality. These products have traditionally been sold at health-food stores and food cooperatives, but they are becoming available in more mainstream outlets such as grocery stores, drugstores, beauty salons, and department stores.

In January 1989, The HSUS convened a meeting with several cruelty-free cosmetics manufacturers to explore common interests and mutual goals. The companies explained their safety-assurance practices and expressed a willingness to work with The HSUS to expand consumer awareness of animal testing and cruelty-free alternatives.

The HSUS has also been involved in legislation to reduce or eliminate animal tests. At the federal level, Representative Barbara Boxer has introduced a bill that would ban the traditional LD50 Test and compel federal regulators to reevaluate and justify periodically any regulations that en-

courage animal testing. In May 1988, The HSUS prepared and submitted testimony in support of this bill. Rep. Boxer will probably reintroduce the measure during the current legislative session.

Several state bills that would ban the Draize and/or LD50 tests, either across the board or for particular types of products (e.g., cosmetics), were also introduced. In 1988, The HSUS testified and lobbied for bills in Maryland, New Jersey, and Pennsylvania. Other legislative and lobbying efforts are underway in these states and in Connecticut, Hawaii, Illinois, and Massa-

chusetts. Although none of these federal or state bills has passed, the city of Cambridge, Massachusetts, was able to pass a bill banning the Draize and LD50 tests.

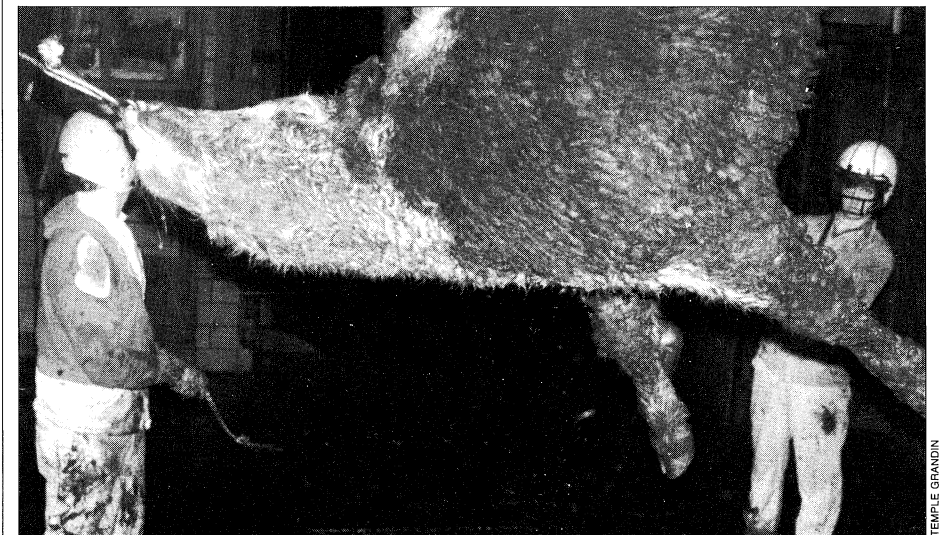
Much remains to be done. Through its educational and legislative efforts, The HSUS will continue to work to eliminate the Draize and LD50 tests and promote cruelty-free alternatives. Copies of the updated Humane Shopper's Guide, along with fact sheets on the Draize and LD50 tests, are available from The HSUS (Laboratory Animals Department, 2100 L St., NW, Washington, DC 20037) upon request. ■

FARM ANIMALS

Improving Kosher Slaughter *New systems eliminate need for shackle hoist*

Because religious slaughter of animals for food is exempt from the U.S. 1958 Humane Slaughter Act, the barbaric practice of shackling and hoisting fully conscious animals prior to Jewish (kosher) or Moslem slaughter remains legal in this country thirty years later. In shackling and hoisting, a chain is wrapped around one rear leg and the kick-

ing, thrashing animal is hoisted off the floor (see photo, below). In Western Europe and Canada, shackling and hoisting prior to religious slaughter is forbidden. Instead, plants in these countries are required to hold the animal in a restraining device. Religious slaughter methods require that an animal be fully conscious at the time of death. In 1958, restraining devices were not



Restraining a steer with a shackle hoist prior to slaughter can be so hazardous that workers wear football helmets for protection.

available in the United States, thus the exemption of religious slaughter from humane standards. All other livestock slaughtered for food must be rendered unconscious prior to shackling and hoisting.

Devices that hold the animal in an upright position during religious slaughter are now available for all species. The ASPCA pen for large cattle was developed in the early sixties. In 1980, the V-conveyor restrainer was adapted for kosher slaughter by the addition of a head holder. This apparatus makes it possible for very large kosher slaughter plants to eliminate shackling and hoisting. Today, approximately 75 percent of the large cattle slaughtered in kosher plants are held in either the ASPCA pen or a V-conveyor restrainer. Shackling and hoisting of large cattle has declined since 1980, partially due to the invention of the modified V restrainer.

Until recently, all calves and sheep were shackled and hoisted prior to religious

SHACKLE HOIST		
Accident	Working Days	Lost
Kicked knee		82
Shackle fell on person's head		21
Kicked hand		21
Strained shoulder		1
Kicked hand		1
Total		126

DOUBLE RAIL RESTRAINER		
Accident	Working Days	Lost
Hand injury		2
Total		2

slaughter because appropriate restraining equipment was not available for these smaller animals. However, over the last two years, a new system that eliminates shackling and hoisting for sheep and

calves has been developed and tested in a commercial calf-slaughter plant. Funded by the Council for Livestock Protection, a consortium of national humane organizations that includes The HSUS, the new system was researched initially at the University of Connecticut. My company, Grandin Livestock Handling Systems, Inc., developed and invented many parts of this system.

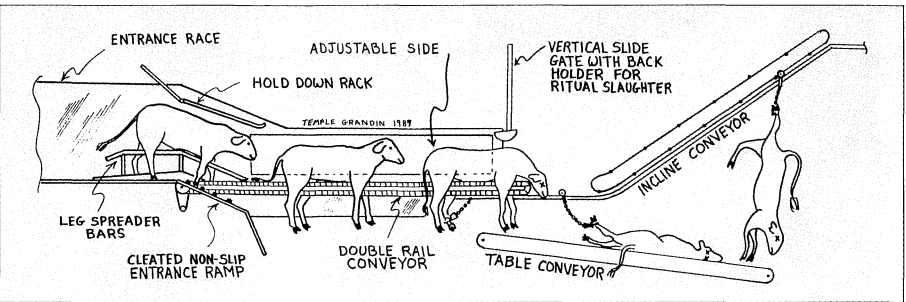
Calves enter the slaughter plant and ride astride a moving double-rail conveyor. The calf rides quietly, seldom struggling, until it reaches the end of the conveyor, where a yoke attached to the bottom of a gate descends to hold the animal's back. The animal is then slaughtered according to religious requirements (see photo and diagram, below).

The plant equipped with this system slaughters less than 10 percent of all kosher slaughtered calves; all other plants still shackle and hoist calves prior to kosher slaughter.

Although the invention of the modified V restrainer contributed to declining use of the shackle hoist in large-cattle operations, so did increasing concern about employee safety. Slaughter plant operators want to avoid rising insurance premiums and lawsuits from injured employees, and, for this reason alone, upright restraint equipment has made sense.

The table above graphically illustrates a big reduction in accidents after the new double-rail restrainer system was installed in the calf plant described earlier. The data was accumulated eighteen months prior to removal of the shackle hoist and eighteen months after installation of the restrainer.

There have been similar dramatic reductions in accidents in large-cattle plants when the shackle hoist was replaced with upright restraint systems. The University of Connecticut has developed a small restrainer that costs less than \$1,000 for installation in locker-type plants. Small slaughter operations can no longer cite economics as an excuse not to switch to more humane—and safer—methods of religious slaughter. It is now time for the United States to get out of the Dark Ages and require the use of proper restraining devices.—Temple Grandin, Grandin Livestock Handling Systems, Inc.



In a newly developed small-animal system funded by the Council for Livestock Protection, calves ride quietly on a conveyor prior to slaughter.

COMPANION ANIMALS

End of the Animals Farm Home McCarthy pleads guilty to animal cruelty

The single largest case of animal cruelty in the United States began in November 1987, when Justin McCarthy, owner of the Animals Farm Home in Ellenville, New York, was arrested and charged with cruelty to animals (see the Summer 1988 *HSUS News*).

More than 1,000 animals were found on the farm, including almost 500 dogs. Hundreds of dogs were locked in dark, stench-filled rooms with no food or water. Most were suffering from mange and were extremely emaciated. Many had resorted to cannibalism to survive.

A second warrant was issued to impound the animals on the premises and give humane officials the authority to enter the farm to care for them. Under the direction of Samantha Mullen of the New York State Humane Association (NYSHA), a massive photo-identification and treatment program was launched by the Ulster County SPCA, NYSHA, and The HSUS. Dr. Lawrence Bartholf headed a team of veterinarians that euthanatized the most seriously ill animals and started medical treatment for the survivors. HSUS staff worked with local groups monitoring the conditions at the farm and caring for the animals.

Ulster County District Attorney Michael Kavanagh brought the case before the grand jury in April of 1988. Mr. McCarthy was indicted on twenty-five counts of animal cruelty in May.

A separate civil suit was filed charging that Mr. McCarthy had operated the farm in a fraudulent and illegal manner. The New York State attorney general sought to put Mr. McCarthy out of business and permanently close the farm.

In the civil action, New York State Supreme Court Justice Vincent Bradley named the Ulster County SPCA as temporary receiver in October, giving it con-

trol of the farm, and an intensive adoption effort began. The judge ordered that the attorney general, the Ulster County SPCA, and Mr. McCarthy agree on the permanent dissolution of the farm.

Justin McCarthy pleaded guilty on November 9, 1988, to four criminal counts of animal cruelty, including allowing ani-

Cathy Marinaccio McCarthy, is similarly enjoined for as long as she resides with or remains married to Justin McCarthy. The Animals Farm Home will be sold and the proceeds used to pay off the debts incurred by the Ulster County SPCA for care of the animals, operation costs, medical fees, and legal fees.

Justin McCarthy was sentenced to three years' probation by Judge Francis Vogt. As part of the sentencing, Mr. McCarthy must abide by the agreement entered into in supreme court. Both Mr. McCarthy and his wife will no longer be permitted to have anything to do with an animal shelter. However, humane groups were appalled that both judges allowed Mr. McCarthy to keep 23 personal pets.



HSUS New England Regional Program Coordinator Frank Ribaldo organized "Operation Cooperation" to help find homes for the last 125 dogs remaining at the Animals Farm Home. Only neutered animals were offered for adoption.

imals to starve to death and engage in dog-fights and cannibalism over a two-year period. Mr. Kavanagh, the New York State Humane Association, and The HSUS urged the courts that Mr. McCarthy not be permitted to retain any animals.

As part of the agreement, Mr. McCarthy is "permanently enjoined from owning, operating, or being associated in any manner with an animal shelter or any related business whatsoever." He is further "permanently enjoined from soliciting or accepting charitable contributions for the care, maintenance, or support of animals." Mr. McCarthy's wife,

December 28 and 29 marked the final closing of the Animals Farm Home. Humane organizations throughout New England, including the Cochecho Valley (N.H.) Humane Society, the Maine Federation of Humane Societies, the Massachusetts SPCA, and the Boston Animal Rescue League took dogs for adoption. Assisting were the York County SPCA in Thomasville, Pennsylvania, and the Berks County, Pennsylvania, Humane Society.

The status of Mr. McCarthy's personal pets will be closely monitored.—Barbara A. Cassidy, HSUS director, animal sheltering and control



RON SIMONS

PROBLEMS OF ENFORCEMENT

B Y A N N S M A L L E Y

Passed in its original form in 1966, the Animal Welfare Act has evolved into the nation's most comprehensive legislation protecting animals. On paper, the Animal Welfare Act safeguards many species used in laboratories, puppy mills, circuses, and other potentially abusive situations.

But ask any HSUS investigator, regional director, or wildlife expert about enforcement of the Act, and you are likely to hear a long litany of complaints, frustrations, and indictments against the USDA (U.S. Department of Agriculture) and APHIS (Animal and Plant Health Inspection Service), the agency within the USDA responsible for enforcement of the Act. Delays, apathy, and incompetence are all laid at the USDA's door.

Upon closer look, however, much of the criticism directed at the USDA's performance is misplaced. While, in some cases, USDA personnel do behave incomprehensibly, in others, USDA procedure is "by the book"—only "the book," the Act itself, proves insufficient in some way. Sometimes, a case is well prepared only to be slowed by legal processes which, because of our system of justice, may consume substantial amounts of time.

In Part I, which appeared in the Winter issue of the *News*, we examined the content of the Act, its history, and its intent. In Part II, we present three case histories that illustrate a few of the problems that arise with enforcement of the AWA.



The Case of the Kansas Puppy Mill

Abuses in commercial mass-production kennels (puppy mills) have long been of concern to The HSUS. The HSUS has extensively investigated puppy mills and discovered that dogs at many of these mills endure filthy surroundings, inadequate shelter, insufficient food and water, overcrowding, disease, excessive breeding, lack of veterinary care, and general neglect.

In 1970, The HSUS, in conjunction with other animal-welfare groups, was instrumental in amending the Laboratory

Animal Welfare Act of 1966 to require commercial breeders wholesaling dogs to the pet industry to be licensed, inspected, and regulated by the USDA. Subsequently, the USDA promulgated minimum requirements of care at commercial breeding facilities, including standards on housing, shelter from extremes of weather and temperature, sanitation, ventilation, water, food, handling, veterinary care, and transportation. It was hoped that this legislation, by requiring wholesale dealers to meet humane standards of care for their dogs, would soon

The Animal Welfare Act was intended to ensure humane treatment for animals such as this rhinoceros, one of a number of animals abandoned by a traveling zoo in Maryland during a 1988 summer heat wave. How effectively is this law helping animals in the United States?

eliminate substandard puppy-mill operations.

But the mere existence of a law does not guarantee its successful enforcement. In the case of midwestern puppy mills, some USDA personnel—the very people charged with enforcing the humane standards required by law—have acted in inexplicable—and, to humane advocates, intensely frustrating—ways, as the following example shows.

On July 18, 1988, the Winfield City (Kansas) Police Department, Ms. Cynthia Newton, president of the Cowley County Humane Society, and Dr. John Johnson, a local veterinarian, responding to a complaint about a kennel in the city of Winfield, Kansas, executed a search warrant directed at the kennel. (This visit and the subsequent request that charges be filed are described in a letter dated October 14, 1988, from Ms. Newton to Dr. R.L. Rissler, the director of domestic programs at the USDA.) The kennel was an unlicensed facility that had been in operation for thirty-five years. The conditions they discovered when they inspected the kennel included: dried fecal matter in food bowls; overcrowding throughout the kennel; water bowls coated with thick green slime; dogs with green matter leaking from their eyes; poodles and Shih Tzus with severely matted hair; animals suffering from sarcoptic mange, whipworms, hookworms, tapeworms, ear mites, and severe flea infestation; food obtained from dumpsters behind local food stores (including spoiled meat that the owner claimed she boiled before mixing with dry dog food); primary enclosures constructed of raw wood, with accumulated hair and fecal matter more than one-quarter-inch thick; dog cages and runs located in a small area surrounded by bushes, with a consequent heavy fly infestation; and concentrated odor and filth.

As a result of their findings, the police and Ms. Newton requested that the county attorney charge the owner with animal cruelty.

On July 29, 1988 (from Ms. Newton's letter), the assistant county attorney received a visit from USDA inspector Charles Taylor, who told him that he had inspected the kennel in question and that, with the completion of one or two small improvements, he was ready to issue the kennel owner a federal license, as the kennel was in compliance with federal law.

On August 8, 1988, Mr. Taylor and USDA veterinarian Dr. Coco Sutton visited Dr. John Johnson, who was willing to testify about conditions at the kennel if charges were ever filed and the case brought to trial. (This visit is described in a letter dated

August 11, 1988, from Dr. Johnson to Dr. Rissler.) Dr. Sutton and Mr. Taylor asserted that the kennel was well managed, the breeding stock was healthy, and the puppies produced there were of the highest quality. The USDA personnel also questioned Dr. Johnson's findings at the kennel.

On October 14, 1988, Ms. Newton wrote to Dr. Rissler, describing the case and asking why the USDA had apparently gone out of its way to intervene in an ongoing cruelty case. She never received a response, although she has told HSUS Investigator Bob Baker that, on a follow-up call to the USDA, she was assured that Dr. Rissler had received the letter.

As of press time, the county prosecutor still has not filed charges, which is understandable, since, from a prosecutor's point

of view, a favorable federal inspection alone would probably establish the "reasonable doubt" at a trial which would thwart a verdict of guilty. (Indeed, the county attorney himself has confirmed to Bob Baker that the "clean bill of health" given the kennel by the USDA has been a definite factor in not taking further steps to prosecute the case.)

Postscript—On November 18, 1986, Janet Payeur, a USDA animal-care specialist for the central region, had sent a directive to all the inspectors in the region following findings by Kansas regional animal-care specialists. In it, she states, "Kansas was criticized in that some inspectors never find deficiencies. This office, the regional office, and the Animal Care Staff in Hyattsville cannot believe that there are no deficiencies

in these sections. . . . Station and national policy is that we will cite all deficiencies."

Apart from the controversy over the conditions at the kennels (Ms. Newton has asserted that the kennel could not meet Animal Welfare Act standards "without the total rebuilding or restructuring of the operation. . ."), the most puzzling question about this case is why USDA personnel went to the trouble of visiting both the assistant county attorney and Dr. Johnson. Such visits were hardly a necessary or ordinary part of licensing procedures under the Animal Welfare Act. The inspectors' actions appear to amount to an extraordinary effort on the part of federal personnel to advocate the interests of a licensee before local authorities during pending procedures under

state cruelty laws.

Bob Baker, who has extensively investigated conditions at midwestern puppy mills, including those in Kansas, has written, "Many USDA officials have adopted a strongly antagonistic attitude toward the AWA [because the USDA was given the task of enforcing the AWA] and even direct their hostilities toward humane societies, who they feel are responsible for the AWA. This hostility is exacerbated when humane societies attempt to rectify inhumane conditions at . . . puppy mills. . . . USDA inspectors often report that they find all standards of humane care being complied with—citing no deficiencies of USDA regulations despite horrendous conditions."

Whatever Mr. Taylor's and Dr. Sutton's motives, and whether or not their actions were the sole or main reason the case has not been pursued, in this case, the exertions of USDA officials were in apparent conflict with those of a humane society, a police department, and an independent veterinarian. Obviously, until animal-welfare efforts unite all involved parties in a concerted effort to ensure humane care for animals, even with the existence of the Animal Welfare Act, little can be accomplished.

The Case of the Oregon Buncher

Under the Animal Welfare Act, dealers are people who buy and/or sell warm-blooded animals. "Bunchers"—dealers who buy animals from pounds for resale to research laboratories—make up part of this category. Dealers must be licensed or registered and must meet the humane standards for care set by the Act for the animals under their supervision. The following case history concerns one of the largest federally licensed dealers/bunchers on the West Coast, James W. Hickey of S & S Farms.

At first glance, the case appears to illustrate one of the most commonly heard complaints about the USDA's enforcement of the AWA—that it is so slow. But a closer analysis suggests that the USDA may not be entirely to blame for delays in obtaining judgments on AWA violators.

In February 1984, the USDA Office of General Counsel (OGC) issued a letter of warning to Mr. Hickey for failing to properly identify dogs he had purchased and failing to provide lighting and ventilation in his cat kennels. The letter admonished Mr. Hickey that full compliance with the Animal Welfare Act was required of him and that formal action would be taken in the event of future violations.

In January 1986, the USDA filed a formal complaint against Mr. Hickey. The OGC reported he had been charged with "a number" of violations of the Animal Welfare Act. (The actual number was seventy-one.)

In August 1986, Mr. Hickey missed his hearing date due to illness. No new date was immediately set. The HSUS urged its members to write to the OGC office in Washington, D.C., to ask for action on this case.

In the winter of 1987, the West Coast Regional Office learned that the hearing on Mr. Hickey had been rescheduled for March 24–27, 1987, in Portland, Oregon.

On June 17, 1987, Mr. Hickey was assessed a civil penalty of \$40,000 and had his USDA animal-dealer's license suspended for twenty-five years. Mr. Hickey appealed the decision.

In May 1988, the June 1987 decision was upheld on appeal. Mr. Hickey subsequently filed suit with the U.S. court of appeals and received a stay allowing him to continue to operate. As of this writing, the appeal is pending.

In this case, there were no complaints about the performance of the USDA regional personnel in Oregon, who, according to the HSUS West Coast Regional Office, did an excellent job. This time, frustration arose from what appeared to be lengthy delays on the part of the OGC in Washington, D.C., the legal arm of the USDA responsible for prosecuting the cases of AWA violations. It took six months—from June 1985 to January 1986—before the OGC filed a formal complaint after the regional office filed its information with APHIS. A hearing date was then set for August 1986—seven months away. When the hearing date had to be postponed due to Mr. Hickey's illness, it was put back until March 1987—another large block of time. Finally, in June 1987—two years after the original complaints were filed—Mr. Hickey's case was decided, and he appealed the decision.

Was this excessive? If it was, was the OGC to blame? Tom Walsh, assistant general counsel at the OGC, says no to both questions. The process by which a case moves from complaint to hearing to decision is governed by carefully set out procedural rules and statutes, many of them grounded in constitutional guarantees. Mr. Hickey is perfectly within his rights to hire a lawyer, contest the suit, and appeal the decisions handed down—all of which take time. "Once a case gets into the hearing and appeal process it's [any control of time involved] really out of our hands," says Mr. Walsh. According to Mr. Walsh, the only agency that could speed up a case at all is



HSUS/BAKER

Puppy mills that wholesale dogs to the pet industry have been regulated by the Animal Welfare Act since 1970. Yet, HSUS investigations of midwestern puppy mills have shown that dogs at many of these operations continue to suffer severe hardships and inhumane treatment.

Such conditions prove that the existence of a law does not necessarily guarantee its successful enforcement.

APHIS, which can prioritize its cases for the OGC and see that a complaint is sent to the OGC as soon as possible after APHIS receives it from a regional office.

"We did receive a lot of mail on the Hickey case," recalls Mr. Walsh. "It really should have gone to APHIS, the agency responsible [for enforcement of the AWA]. The OGC simply provides legal services for APHIS to do its job." HSUS West Coast Regional Director Char Drennon points out, however, that The HSUS had contacted APHIS regarding the progress of this case, only to be referred to the OGC.

The AWA is a law. But, in protecting animals, it cannot abrogate the protections that other laws give citizens in this country, including the right to a hearing, the right to due process, and the right to appeal.

The Case of The Wonder Zoo

Exhibitors—those who have animals on display to the public or conduct performances involving animals—are also covered by the Animal Welfare Act and must comply with the standards of the Act and its regulations pertaining to animal care.

Small traveling circuses and menageries are, more often than not, pits of indescribable cruelty to animals. The Animal Welfare Act provides a good beginning to achieving humane and ethical care for captive animals, but it must be backed up by rigorous enforcement. To The HSUS, the thought of allowing inadequate traveling animal exhibits to continue roaming the country is intolerable, and hardly any action that stops them comes quickly enough. In the following case history of a traveling zoo that left a trail of complaints wherever it went, relief for the animals seemed to come with agonizing slowness. Was the USDA—or the AWA itself—at fault?

Prior to 1986, the HSUS national and regional offices had received many complaints concerning Richard Garden and the businesses—exotic-animal shows, circuses, and traveling zoos—he operated. These complaints included: abuse and cruel treatment of animals, insufficient space, insufficient water, inadequate food, lack of protection from inclement weather, poorly trained staff, abandonment of animals, injury to the public, and defrauding the public.

In June 1986, a USDA inspection of Mr. Garden's exhibit in a shopping center in Greenport, New York, found several violations of the Animal Welfare Act.

In July 1986, a USDA inspection of Mr. Garden's exhibit in Sandusky, Ohio, found

deficiencies in veterinary care and transport enclosures.

In June 1987, a local newspaper in Easton, Maryland, reported that Mr. Garden's traveling Wonder Zoo had abandoned a donkey and three mules at a local shopping center.

On April 22, 1988, the Alachua County Humane Society in Florida reported to the HSUS Southeast Regional Office in Tallahassee, Florida, that The Wonder Zoo had a sick elephant. A veterinarian at the University of Florida told the regional office that the elephant was extremely ill.

The *Sarasota Herald Tribune* in Sarasota, Florida, reported that thin and sick animals were found at the The Wonder Zoo at a Gainesville, Florida, mall and that complaints had been phoned in to local animal-control and USDA officials. The *Tribune* reported an ill baby elephant, a thin adult Asian elephant, and a rhinoceros in a very small cage.

Andrea Mitchell, of the Southeast Regional Office, contacted Dr. Edward Basenov, the USDA area veterinarian located in Gainesville, concerning The Wonder Zoo. He told her her call was the first he had heard of the situation.

On April 23, 1988, the *Gainesville Sun* reported, in addition to the above, that complaints about animals being beaten and open wounds on animals had been made when The Wonder Zoo opened in Venice (Florida) a few weeks earlier.

On April 27, 1988, a citizen reported to the Southeast Regional Office that The Wonder Zoo had an elephant with its front legs chained together and that a zoo employee had told her the elephant had a broken, swollen leg. The citizen reported that the ponies at the zoo were covered with feces.

Ms. Mitchell again talked with Dr. Basenov. He told her he had sent someone out to inspect the zoo but that he hadn't yet read the report.

On May 19, 1988, the Southeast Regional Office reported to HSUS headquarters that the sick baby elephant had been euthanized due to salmonella poisoning and because the zoo waited too long to get proper care and treatment for it.

The *News and Courier/The Evening Post* in Charleston, South Carolina, reported that The Wonder Zoo had left the parking lot of a local shopping center hours after its manager had appeared in municipal court facing charges on six counts of animal neglect.

On June 1, 1988, HSUS Associate Director of Wildlife and Environment Dr. Susan Lieberman spoke by telephone with Dr. William Stewart of the USDA, who said that



Dog dealers who sell dogs to research laboratories are required by the AWA to be licensed. The dealer who operated this

The Wonder Zoo had been inspected in Florence, South Carolina, and sanitation and cleaning deficiencies had been found and the elephants appeared thin. Dr. Stewart stated that the operators of the zoo told the USDA inspector that the elephants were mountain elephants from India, which normally are quite thin. Dr. Stewart told Dr. Lieberman that the zoo would be reinspected in Fayetteville, North Carolina, by a more qualified inspector.

On June 22, 1988, nearly fifty animals of The Wonder Zoo were found packed into two truck trailers parked in a shopping center parking lot in Fairfax County, Virginia, during a heat wave in which temperatures reached 102 degrees. The temperature in the trailers was more than 110 degrees. Fairfax County firefighters

Tennessee facility was unlicensed, although it is known he supplied at least one laboratory with animals. Most of the fifty dogs on the premises when this photo was taken were suffering from malnutrition. For them, the AWA was not much protection.

were called in to hose down a baby elephant, a zebra, ponies, goats, ostriches, and other animals. Fairfax County officials impounded the animals, stating they were not receiving adequate food, water, or fresh air. The animals were taken to a animal-farm park located in the county.

On June 23, 1988, a third truckload of animals, including an elephant, a rhinoceros, a hyena, and a tiger, was found abandoned in Prince George's County, Maryland. The animals were taken into protective custody by county officials.

On June 30, 1988, the USDA suspended Richard Garden's license for twenty-one days, the maximum allowed by the AWA pending an inquiry into whether he should be charged with violation of the Animal Welfare Act.

On July 8, 1988, Richard Garden donated the animals that had been seized in Fairfax County to the Animal Protection Association of America, without admitting any negligence in their care. Fairfax County dropped charges pending against him.

In February 1989, Mr. Garden agreed to sign over ownership of the animals that had been seized by Prince George's County officials to the county in exchange for the county's dropping the charges it had pending against him.

Mr. Garden's USDA license was reinstated after the twenty-one-day period. He may be back in business. Although his animals were seized in Maryland and Virginia and his Florida license has been

revoked so he cannot show animals in that state, there is nothing to stop him from buying more animals and exhibiting them anywhere else. Dr. Dale Schwindaman of USDA/APHIS in Hyattsville, Maryland, spoke with Dr. Lieberman concerning this case on March 1, 1989, and told her the USDA did not know if Mr. Garden still had any animals. Although declining to comment officially on the case, Dr. Schwindaman told Dr. Lieberman that the USDA would continue to investigate Mr. Garden and intended to follow it through.

Dr. Lieberman comments on this case, in which the ultimate seizure of the animals came through the action of Virginia and Maryland counties, not by any action of the USDA: "This is probably the worst traveling circus that was ever brought to the attention of The HSUS. Yet, I think the USDA was doing the best it thought it could as far as the law [the AWA] allowed." She points out that, under the AWA, individual inspectors may exercise their own discretion in deciding what to do with a case, and one problem with traveling exhibits is that different inspectors see it in different places. "Inspections are not action," she cautions.

What could be done to improve the situation? Dr. Lieberman suggests some changes in the Act itself. "Regulations under the Act need to give some teeth to enforcement. We can't rely so much on the discretion of inspectors. Also, a twenty-one-day maximum suspension of a license is absurd. No wonder exhibitors don't care [about compliance with AWA regulations]."

There are Animal Welfare Act success stories, as well as those that illustrate problems, and there is no question that animals are better off since the enactment of the AWA than they were before it. But the Act has not solved all problems, and we should not be lulled into a sense of false security just because of its existence. Animal-protectionists should constantly question, monitor, and encourage enforcement of the Act and work for changes in its regulations if it becomes apparent that the existing ones are inadequate.

One step in the right direction is the creation of the Regulatory Enforcement/Animal Care Program (RE/AC), a new division of the USDA which will work exclusively on animal welfare. RE/AC is scheduled to be operational by April 1989. It is to be hoped that RE/AC will solve some of the problems encountered so frequently by those who call upon the AWA to help them in their efforts to ensure more humane treatment for animals.

Though boys throw stones at frogs in sport, the frogs do not die in sport, but in earnest. —Bion

I am twenty birds back on the left side of the skein, looking over my shoulder at Malachi. He has taken many pellets in his eastern wing and cannot pull it high enough for a full stroke. My right leg is dragging as we hammer our way south in the late afternoon. Two pieces of shot are embedded there, and they will cause me great difficulty when we land.

We stayed too long in the north. All of us knew that. But the summer ran late and warm; we became fat, floated on amiable water, and delayed the leaving. Lobu had argued for days that it was time to go. But we whined or laughed at him and refused to rise when he urged us.

A cold night rain fell and turned to sleet by morning. We did not see four men take their places in long marsh grass when the sun was still far down the curve of Earth. At dawn, they began shooting while we were sleepy on the water.

Lobu sounded the lifting cry and was in the air at the first hint of camouflaged movement in the grass. I saw him begin to rise even before his warning slid across the pond. And I remember marveling at the great power of his young body, his wings taking him first along the water, then into a long curving roll as he fought for height and distance. I wondered if I had looked that splendid in my second year. Others picked up the cry, and I knew this was more than Lobu's way of getting us moving. Amalo, one of the youngest geese, looked at me for a moment in panic and indecision. I signaled him instantly, reaffirming what he feared, and we began our takeoff, struggling desperately for speed, for another day, for another moment.

I called upon myself for the strength that once was there. I called upon myself for all that I had ever been. To my left, I could see a hunter swinging his dark barrel in a practiced, even way, following the wife of Jonaku through early light.

Coming off the water she exploded in a cloud of blood and feathers as the full load hit her. Jonaku trembled when he went over her floating body only two feet below him. The hunters were firing shell after shell from pump guns, and I could see pellets digging into the water ahead of me.

East we all were moving, perpendicular to the guns, straight into a curious mixture of freezing rain and rising sun. Birds were tumbling downward, some giving cries, others falling only in silence. The guns kept firing as I reached climbing speed. Malachi had drawn almost even with me, coming up on my left as we passed directly in front of the muzzles.

Rolling upward to the right. Apricot flame. A surge of it. Buffeting cone of mountain thunder. At the same moment I felt the impact on my leg, Malachi shuddered and began to fall, but caught himself and stayed low behind a stand of tall grass where the guns could not find him.

Sixty yards out. Almost safe. Coming around to follow Lobu, I could see a cumbrous man sloshing through the water, a spaniel beside him. He was shouting a wild cry of exultation and waving his gun above his head. I did not understand the words he said.

Birds were struggling, others lay still. Sori paddled in small, tight circles flopping randomly, a piece of shot in her brain, while the dog swam toward her. Zachary, the old one, was injured, but tried one more time to follow us. As he flailed wildly near the edge of the pond, a man in camouflage shot him again, and he died there on northern water.

I banked into a strong wind from the western lands and fell into place. Other birds were doing the same. Water streamed from our feathers and flashed in the light of Mother sun, while Lobu took us southward.

There are two great rivers in the middle of this land. We are flying sixty miles east of the one that flows from the Montana highlands, three

hundred miles north of the Missouri lakes. Ahead on the point, Lobu is pushing us hard. He is angry with us for lingering so long at the pond of morning, and we know he is right to be angry. Seven birds were killed by the hunters.

Light snow is falling. The color of the sky matches Lobu's mood. Our cadence has been steady for the last seven hours, and we listen to the Words. Heard they are, but not spoken. The sound unfolds from the meter of our wings. There is a slight unevenness in our stroking, and it is from this that the Words arise.

Like a great pulsing sigh they come, sweeping back along the lines in which we fly. "Awhooooom" is the sound. "Awhooooom—We Are One." It is our creed and our comfort.

The Words wash over me, and wondering about Malachi, I turn once more to look at him. I am startled to see blood coming from his left eye. I had not noticed the blood before, and I remember again that only his body saved me from the full load of shot. His good eye glitters with pain and desperation as he stares straight ahead, giving full energy to his flight.

Lobu is curving us around a tall structure with a round, dish-shaped plate at the top and over wires connected to it. We do not know the name of this thing, though we have seen many of them before.

Below, thin sheets of ice begin to form on shallow patches of water. The snow is falling with more intensity now, and each of us knows that we must keep moving. A blizzard would take many of us.

Ten yards across from me, in the western line, Shanta is also watching Malachi. They are old lovers. She feels an enduring warmth for him and tries to send some of her strength over the empty sky between them.

When I had younger wings, the long southern flight was exhilarating. There were many places to come down and rest at evening. Now the water has disappeared. From this height, we can see traces of primitive contours where

once the marshes could be found.

They are gone now. To other things they are gone. To houses and planted fields and roads. And there is little left for us.

Much of the remaining water is surrounded by guns, preserved only for the killing, not for the good. It is said the hunters fight with their money and their time to save the marshlands, and, though we try, we find it difficult to be grateful. We do not understand the killing; we can only fly before it.

The young ones ask about the killing. "Why?" they ask. We have no answers, for there seem to be none. Once there were reasons, the very old ones say, but those reasons disappeared long before the marshes died.

"But," the young ones press us, "if not for the meat, then why? And why have they taken the marshes if they want our flesh? It makes no sense!"

In those moments, we would turn to Zachary. He had lifted in terror from many ponds, had fought for the safety of altitude through a thousand magenta dawns with buckshot lacing the red face of Mother sun, had seen the waters smeared with blood and lifeless birds floating on silent mornings, had counted in his years the disappearance of the places for living. Finally he would speak, but only after the young ones could not be quieted with generalities and platitudes.

"I have no way of understanding the thoughts of humans. I can only repeat what has come down to me through the elders. The origins of what I will tell you are shrouded by the failure of memories and the embellishment of time. I know only that the words were given by one of many forms who rested on a long sandbar in summer firelight and spoke in a tongue that knew no boundaries. When the elders asked the same questions that you now ask about the ways of humans, they were cau-

tioned to listen, to remember. And the traveler spoke thusly:

*Ancient dreams, there are,
Unresolved.
And lingering impulses
From the days of rocks and fire,
Just after the great ice had gone.
A reluctance to come before
Themselves and ask,
"Who are we, and what is our place
Among all things?"
An avoidance, there is,
Of eternal questions,
Difficult and submerged.
Questions yielding not to
Force but only to
Subtle strands of
Intelligence and feelings
Woven full and pure
Into a cloth that
Catches the soft wind Of
Enlightenment
Like a billowing,
Saffron-colored sail
Upon an endless river.
The answers are feared.
So the questions are scuttled.
For the answers,
If they are firm
And truly given,
Would require change.
Those who profit now
Would profit less.
Enlightenment
Gives rise to
Kindness
And
Simplicity
And Quietude.*

*Little profit
Can be found.
In any of those.
And, like yourselves on a
Warm autumn day,
When it seems the
Croupier can be denied
Forever,
They are reluctant To rise.*

With that, he would swim away and pretend to busy himself at feeding along a shore where the wild rice yet grew. We shall miss Zachary.

Word has traveled far, and we have heard about the condor and the falcon. And the little sparrows of the Florida swamps. We have seen the canvasbacks languishing and the streams turning dark with soil from the fields. The places for living are being taken or sullied with poison.

Behind me, I hear a small sound. I turn to look at Malachi and see his damaged wing flapping out of harmony with the good one. There is more blood coming from his injured eye. Fear screams from the other. He begins to fall away.

I start to follow him, but clearly he is gone. His bad wing no longer is stroking, and I watch him drop toward a small grove of trees through a winter twilight. He crashes into branches and lies tangled there, hanging head down and still.

Southward we move, pounding through the snow with Lobu guiding us. The only sound I hear are the Words. From our wings they come, and sweeping back along the wind they find and comfort me.

By ROBERT J. WALLER

Southern Flight

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THE PROBLEM OF PET THEFT

"Darkness had just settled over Fayetteville on November 8, 1988, when Cheryl Burley let her dog Baby out for her evening constitutional." It was the last time Cheryl was ever to see Baby.

"On the afternoon of January 14, Chester Webb watched his two dogs trot over a hill toward a pond near his Bedford home." That's the last time he saw them.

Stories such as these have appeared in countless local newspapers across the country. Cheryl Burley and Chester Webb and tens of thousands of other Americans have been victims of pet theft. Action 81, a nationwide organization dedicated to recovering lost pets, estimates that more than 2 million dogs are stolen each year.

Pet theft seems to be on the increase in certain parts of the country. Why?

After receiving information that the number of dogs reported missing each month in the Fayetteville area had doubled, *Northwest Arkansas Times* reporter Deborah Robinson began a two-month investigation to discover the fate of the animals. The result was an in-depth, five-part series about the problem of pet theft and the brutality stolen animals endure on the road to research. Working with Fayetteville Animal Shelter Director Lib Horn, Ms. Robinson discovered a pattern of dog theft that was disturbingly similar to outbreaks in parts of Missouri. The Missouri Humane Society estimates that, in Missouri alone, 25,000 dogs are stolen annually.

MANY GO TO RESEARCH LABS

Pets are stolen for resale into several different outlets—laboratory research, the guard-dog trade, or puppy-mill production. Dogfighters have been known to steal dogs

dog meat.

Local humane groups suspect that most of the dogs stolen are sold to research, because the research market is the steadiest and often pays the highest going rate for dogs. Not all laboratories will knowingly buy a stolen pet, but some will. Research that is dependent on the use of random-source animals actually promotes pet theft. In areas where pound seizure, the practice of taking animals from a shelter for research, is permitted or mandated, pet theft has actually increased. Despite the lack of extensive data, there are documented cases of stolen dogs being found in research laboratories, often hundreds of miles from where they were last seen. Action 81, which tracks lost-animal reports and trends, reports a high rate of pet theft in areas where a pound sells to research facilities or in which there is an active animal dealer. In a 1980 survey in Virginia conducted by Action 81, it was learned that more than one half of the stolen dogs in a specific area were concentrated in the vicinities of pounds selling animals to research or of active dealers. If researchers seek animals with specific qualities, e.g., purebred dogs such as German shepherds, or dogs with a specific body size, dishonest dealers do not fill that order from a standing inventory or an inter-dealer network. They steal many of the animals.

Dealers will also sell dogs for the guard-dog trade. With the escalation of crime in many metropolitan areas, the guard-dog business has become big business. If an unusually large number of German shepherds, rottweilers, or Dobermans is missing in an area, it is suspected that dog thieves are at work.

Sometimes, no theft pattern will im-

mediately emerge, but, if a local shelter keeps good, accurate records of lost reports, such a pattern will eventually become evident. For example, in Fayetteville, Arkansas, the figure of 25 missing dogs per month doubled to 50—for a total of 300 in six months—from June to December of 1988. In one week, in another community, 8 dogs of the same size and age disappeared. In another two-week period, 16 dogs disappeared in a four-block area. Of the 16, all were the same size and coat length; 4 of



HSUS/PAULHUS



HSUS/BAKER

the 16 were basset hounds.

In Lawrence County, Indiana, 250 dogs were reported missing in six months; the previous average was 10-12 per month. Of the 250, 40 to 50 were beagles; a dozen were huskies; 8 to 10 were schnauzers.

A Virginia community has seen a doubling of its lost-dog reports on specific breeds during certain times of the year.

Dog thieves use lures such as a female in heat in the back of a truck or a piece of drug-laced raw meat to attract individual

dogs. Dog thieves often will "case" a neighborhood in advance and know exactly what dogs they want and where they are. They will also determine which homeowners are gone all day. So as not to arouse suspicion in a neighborhood, dog thieves often drive trucks or vans that are falsely marked as animal-control or humane society vehicles. To thwart dishonest "bunchers" (dealers who sell animals for research purposes) from using that tactic in Fayetteville and to let residents know what to look

Stolen pets may find themselves at an auction yard, such as the one below, where a collection of dogs in a pickup truck and cats in wire cages awaits sale. Laboratories seek healthy, obedient dogs, so pets are much in demand by thieves.

out for, Lib Horn placed a photo of her agency's vehicle and uniformed animal-control officers in the local paper. Dishonest bunchers have also been known to answer "free to good home" ads or may even place an ad in the paper themselves stating they will buy litters of puppies or purebred dogs. Researchers are willing to pay \$150 or more (as documented by U.S. Department of Agriculture [USDA] license applications listing dealer incomes from sales) for healthy, obedient dogs of a specific type or breed, so bunchers go to great lengths to supply them with pet-like animals.

THEFTS ARE WIDESPREAD

An ongoing investigation in a Mid-Atlantic state has revealed evidence of a tri-county dog-theft ring. It is suspected that some of the bunchers involved are drug users who are stealing dogs for resale to a middleman to support their habit. Because almost all of the stolen dogs in this area are purebred females, it is suspected that the dogs are being stolen for the puppy-mill trade. A citizens' coalition has been formed to alert the public and gather more information. It expects to be able to go to the state's attorney with enough evidence to prosecute the bunchers.

Lawrence County, Indiana, experienced a dramatic increase in the reports of stolen pets during two periods in 1988. According to Lawrence County Humane Society Shelter Director Kathy Howe, more than 250 dogs were reported missing in a six-month period. Almost all of the reports were for large dogs such as huskies, German shepherds, and malamutes. The state police launched an investigation, and The HSUS offered a \$1,000 reward for information leading to the arrest and conviction of anyone stealing dogs. With media attention, the thefts dropped off. They resumed again for a short period during the summer, when lost-dog reports for hunting dogs, coon hounds, walker hounds, and beagles jumped to forty or more in a month.

THE BRUTAL ROAD TO RESEARCH

When pets are stolen, they are not necessarily resold immediately. The roads they



HSUS

travel to research are as varied as the animals themselves. While some dogs and cats find themselves undergoing experimentation in a matter of days, others endure severe deprivation during a journey that may take weeks or months and thousands of miles. One tattooed dog was reunited with its owner after being stolen two years before. When the dog was finally sold by a dealer to a laboratory in New York State, researchers found the dog's tattoo and were able to have the dog returned to its owner. Where the dog had been and what it had endured during those two years are unknown.

Flea markets, auctions, and trade days are often way stations for animals going to research. HSUS Investigator Bob Baker described his visit to a flea market in Ripley, Mississippi, as a "giant yard sale, where people bring the junk they don't want." Included among the "junk" were several hun-

dred unwanted dogs and cats. Animals brought to these events frequently must endure inhumane treatment. They are often cramped in small, filthy cages with no access to food or water. Others may be staked out in the hot sun with no shade or water for two to three days.

Dealers and bunchers regularly frequent trade days and auctions to obtain dogs. In an interview with the *LaPorte Herald Argus*, a dog buncher confirmed that animals are traded to other bunchers in Indiana and surrounding states or to universities in Ohio. The newspaper reported that the buncher said he "mainly looks for hound dogs that weigh more than forty pounds, which are the animals preferred in medical research." Bunchers trade dogs all over Indiana, usually at flea markets, he said.

In researching her series of articles on pet theft in Fayetteville, Arkansas, Ms. Robin-

In one Mid-Atlantic state, a dog-theft ring is suspected of stealing purebred female dogs from three counties for the puppy-mill trade. Puppy-mill breeding stock, such as the dog at left, often live miserable lives in cramped, unsanitary conditions.

son learned that bunchers frequently travel long distances to auctions. In an interview with Gloria Genteman, a member of Humane Midwest Monitors, Ms. Robinson reported that bunchers make more money at an auction than selling to a local dealer. Humane Midwest Monitors is a group that keeps tabs on buncher activity in midwestern states and attends auctions frequented by bunchers. In the interview, Ms. Genteman said, "Another reason bunchers travel long distances is because the animals they are selling are stolen."

PROBLEMS WITH REGULATION

Dealers are regulated by the USDA's Animal Plant and Health Inspection Service (APHIS), which has the responsibility under the Animal Welfare Act to ensure humane treatment of dogs and cats by dealers (see the article on page 12). The USDA is charged with inspecting dealers' premises and research facilities, but, to date, has done a relatively ineffective job. Lack of funding, coupled with apathy on the part of many inspectors or their superiors, have prevented a crackdown on animal dealers and illegal activities. Dealers are required to provide adequate housing, handling, sanitation, veterinary care, and transportation. Animals are supposed to be tagged and an inventory kept of where the animal was purchased and its description. Without adequate regulation and enforcement, pet theft is easy.

Because of numerous problems with enforcement of the Animal Welfare Act, the USDA has created a new division to work exclusively on animal welfare. The Regulatory Enforcement/Animal Care Program (RE/AC) will have five offices across the country with a staff devoted only to animal welfare. While the new offices were supposed to be open by January 1, 1989, personnel relocation and start-up problems have delayed the process. According to program director Dr. Dale Schwindaman, all the new offices will be open by April 1, 1989. Complaints about dealers, research facilities, or possible pet theft by bunchers should be reported to the RE/AC staff for investigation. The HSUS will provide you

with the new addresses and phone numbers as soon as they are available.

WHAT YOU CAN DO

There are several ways you can prevent your pet from being stolen. The most im-

portant is not to leave your animal outside, unattended, for any periods of time and especially when you are not at home. A fenced yard will not stop a dog thief. Never allow your pet to roam freely in the neighborhood.



COURTESY OF TATTOO-A-PET

Always keep a good current photograph of your pet, preferably a color photo. If your pet does become lost, you will be able to have duplicate photos made to distribute to the local shelter and to make lost posters to post in your neighborhood.

It is also important to tattoo your pet.* According to Julie Moscovice, founder of Tattoo-A-Pet (1625 Emmons Avenue, Brooklyn, NY 11235), "A dealer is not going to take a dog that is tattooed because it can be traced." Many animal shelters and veterinarians will tattoo a pet with a non-removable identification. If your pet is stolen, the thief will probably dump the

animal as soon as the tattoo is found. If you have a pet that you cannot keep, be wary of placing a "free to good home" ad. Dishonest bunchers prey on such ads, promising to provide a good home in the country. If you must give up an animal,

interview the potential owner and visit the new home to be sure your animal is going to be properly cared for. Ask for identification, such as a driver's license, and check the vehicle registration number of anyone coming to your home. If you are unable to spend that amount of time on the animal's adoption, you should take the animal to a responsible animal shelter where the animal will find a good home or be euthanatized.

Check the classified section of your newspaper for "free to good home" ads. Contact the individuals listed and explain that they may be setting their pets up to become research subjects. You may also wish to place an ad alerting readers to the dangers of advertising pets in this fashion.

Find out if your community and state have legislation to protect animals. Several states

Below, a veterinarian tattoos a family pet. Tattooed animals can be registered with any of a number of pet registries nationwide. Tattooing is one way of making an animal more traceable and, therefore, less attractive to thieves.

have introduced legislation that would prohibit pound seizure. Legislation has been introduced in Missouri that would ban Class B dealers (see sidebar) from operating in the state. Write to your representatives and let them know how you feel about animal-protection issues. The HSUS can assist you with information about your state.

Spread the word about responsible pet ownership! Urge friends and neighbors to have their pets spayed or neutered and not to leave their pets unattended or allow them to roam the neighborhood at will.

In 1988, Senator Wendell Ford of Kentucky introduced federal legislation addressing pet theft. No final action was taken. Indications are the senator intends to introduce legislation on the same subject in the months ahead.

Definitions

Class A Dealer—USDA-licensed dealer who breeds and raises every animal he/she sells.

Class B Dealer—USDA-licensed dealers who buy and/or sell warm-blooded animals for any purpose.

Buncher—Licensed or unlicensed dealers who buy and sell animals strictly for laboratory or research purposes. Bunchers buy and sell animals at auctions or trade days. They sell animals to other dealers. They have been known to respond to "free to good home" ads and will take giveaway animals. They have been known to prey on free-roaming animals and dogs left unattended. It is not uncommon for them to clear out a neighborhood before moving on.

Random-source—Refers to animals used in laboratories that are not specifically bred for the purpose. These are the strays, stolen pets, shelter animals, or animals obtained from newspaper ads.

Pound Seizure—The practice of taking animals from an animal shelter for use in biomedical research. ■

Barbara A. Cassidy is director of animal sheltering and control for The HSUS.

Many animal-rights philosophers have emphasized the importance of recognizing the inherent or intrinsic value of animals in encouraging a deeper respect for non-human life. The intrinsic value of animals is contrasted with the perceived extrinsic instrumental value from the point of view of human utility. Intrinsic value is regarded by animal rightists as taking precedence over an animal's extrinsic value, because animals are ends in themselves rather than the means to satisfy purely human ends.

However, we should not overlook the fact that animals and other existences are not purely ends in themselves. The deer has inherent value and a life of its own but is a means whereby the needs of predator species, such as the wolf and tiger, are satisfied. In other words, many species do have extrinsic value to others.

While this is a fact of nature, it is what I call a naturalistic fallacy to rationalize from this fact that, since animals prey upon and kill each other, there can be nothing wrong with humans doing likewise. Predator species are always few in number. But the presence of 6 billion animals the size of *Homo sapiens* on this small planet is a biological aberration with devastating ecological consequences when those animals behave as predators.

In recognizing the extrinsic value of animals and other living things in their contribution to the harmony, beauty, and diversity of the biotic community, the animal rightist moves conceptually toward a more holistic, ecological view. This has been lacking too long in the movement, as has respect for the intrinsic value of animals as individuals by the environmental and conservation movements.

Some philosophers, reflecting a fairly prevalent social consensus, believe that domesticated animals that were "created" by man for specific human use have less intrinsic value than wild animals. This is also fallacious, I believe, because it is indicative of an anthropocentric attitude toward nonhuman life that embraces the "naturalistic fallacy" alluded to earlier.

It may be reasoned that a being that is more intelligent and self-aware than

THE "VALUES" OF SENTIENT BEINGS

BY DR. MICHAEL W. FOX

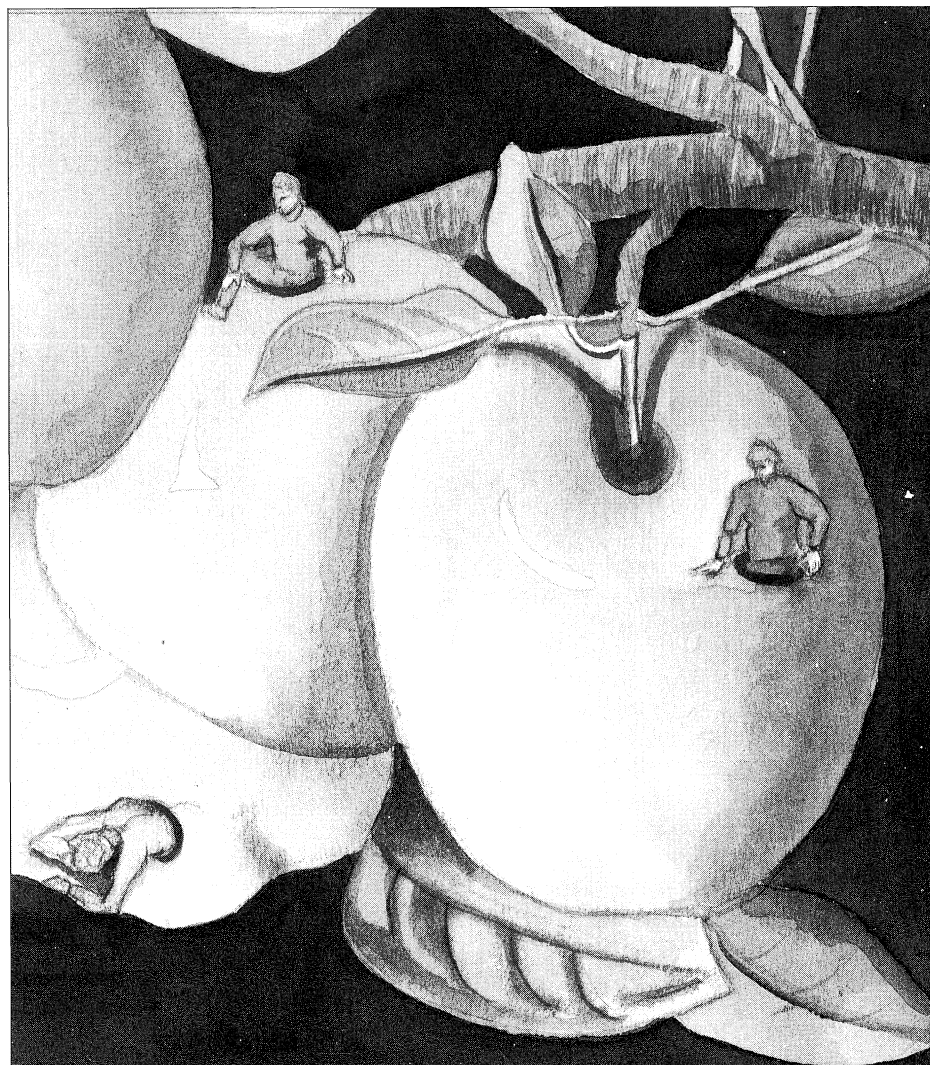


ILLUSTRATION BY THEO TILTON

another has greater intrinsic value. This, again, could be based upon anthropocentrism and have racist and speciesist consequences. A hierarchy of intrinsic value, in terms of creatures' "richness of experience," can be based upon the complexity of their nervous systems. From this perspective (as proposed by Charles Birch and John B. Cobb in *The Liberation of Life*, Cambridge University Press, 1981), chimpanzees and whales have more intrinsic value than worms and mosquitoes. But is not the life of the worm of equal importance to the worm itself as is the life of the whale to the whale? Furthermore, in focusing upon intrinsic value to the exclusion of extrinsic value (or vice versa), the natural paradox between the two is not appreciated. This is that organisms, such as worms and soil bacteria, that, from an anthropocentric perspective, have less intrinsic value than, say, a more sentient and sapient wolf or human being, actually have a greater extrinsic or instrumental value in terms of their contribution to the integrity of the biotic community. Nothing will grow in sterilized soil devoid of worms and microorganisms.

Another considerable aspect, especially of non-sentient (or, more correctly, pre-sentient) existences, is their potential. The inherent potential of an individual human being is relatively finite compared to that of a plant or bacterium that can multiply asexually and clone itself. The inherent potential of rocks, embodying trace minerals, and of water—the basic elements incorporated into all life forms—is infinite.

Thus, when contemplating that which St. Francis called "sister" water, we become aware of an existence that is devoid of consciousness, sentience, and intrinsic value in terms of having a life of its own. From that limited perspective, sister water is "inferior" to *Homo sapiens*. But, by virtue of her inherent potential, she is clearly superior, and, in terms of her extrinsic value to all life, she embodies those qualities that we equate with the saintly virtue of selfless giving to all life. When we begin to perceive other existences, be it from the sacramental pantheistic perspective of St. Francis or from an instrumental yet holistic view of intrinsic/extrinsic value and potential, the notion of human "superiority" is shattered.

It is important, I believe, to consider

both the intrinsic and extrinsic value of all existences in arguing the case for animal rights and conservation. While "rights" language has its limitations, and some prefer to speak in terms of human obligations and duties, a greater appreciation of the extrinsic value of natural organisms—of their place and role in nature—will bring an ecological/environmental perspective to the inherent value-oriented approach of the animal-rights movement and philosophy. We might ask of the presumed most sapient and sentient Earth species with the acclaimed greatest intrinsic value what extrinsic value it has in terms of contributing to the integrity, stability, and beauty of the biotic community. Had we the simplicity of bacteria, the humility of the deer, and the wisdom of the wolf, we might, indeed, be of more value to the natural world.

The integrity of Creation has been defined by Charles Birch as "the recognition of the integrity and the intrinsic value of every living creature and the maintenance of the integrity of the relations of each creature to its environment."¹ This is the extrinsic/existential value of each creature in relation to other members that comprise the biotic community, as distinct from any human/instrumental value that we might place on them.

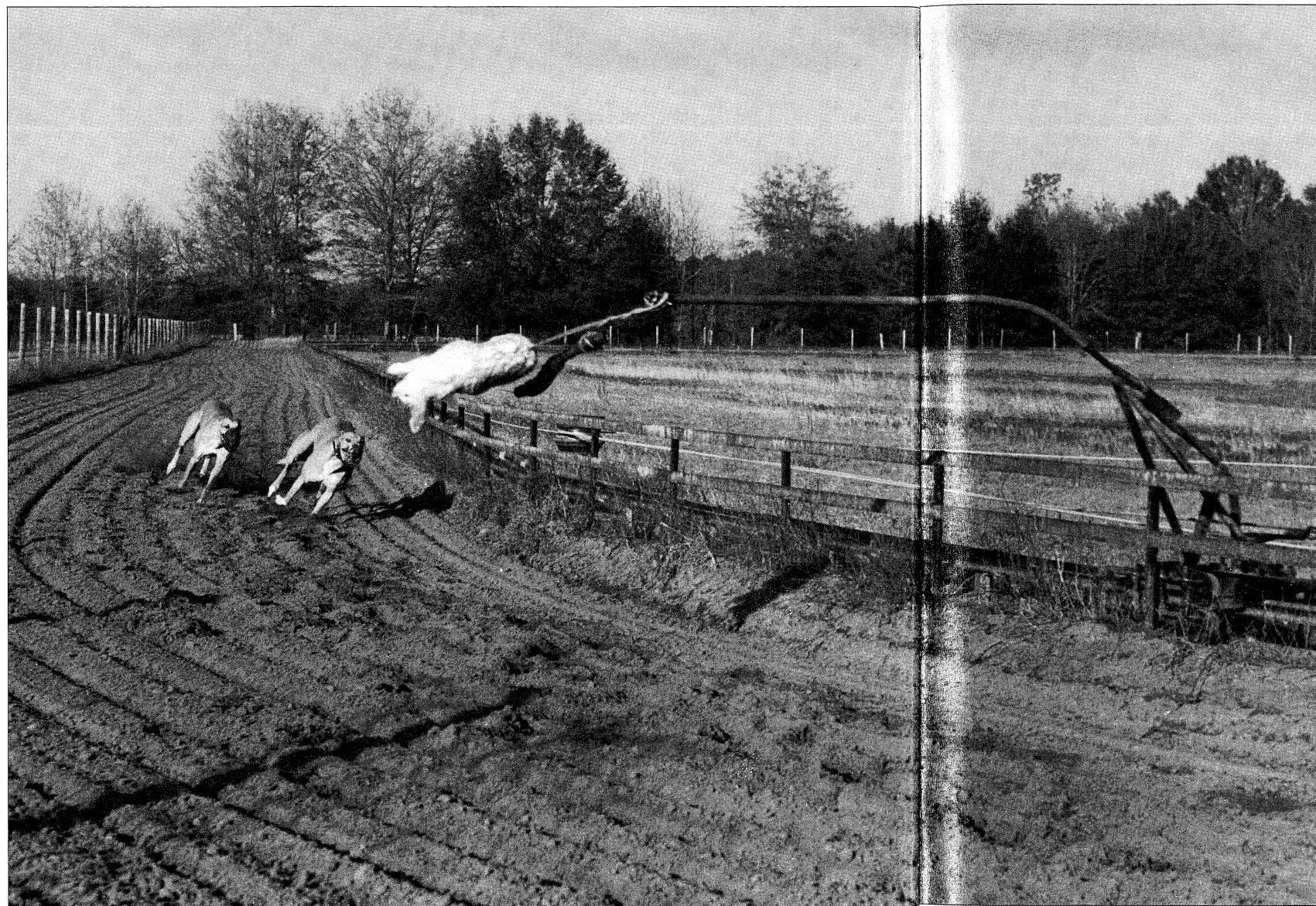
Birch and Cobb² have proposed a criterion of richness of experience to help determine the relative intrinsic value of different creatures. Based on the assumption that the inner experience of an animal bears some relation to the complexity of its nervous system, it is reasonable to posit a hierarchy of intrinsic value. Chimpanzees and whales, therefore, have more intrinsic value than worms and mosquitoes. Jay McDaniel³ concludes that practicing a biocentric ethic involves reverence for life, which is respect and concern for the well-being and ultimate fulfillment of all sentient beings. "To say that each and every living creature is important for its own sake is to say it has intrinsic value. Intrinsic value is itself the value a creature has in itself and for itself." ■

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1. Charles Birch, p. 75 in *Church & Society: Report and Background Papers*, Meeting of the Working Group, Glion, Switzerland, Sept. 1987. World Council of Churches, Geneva.
2. Charles Birch and John B. Cobb. *The Liberation of Life: From the Cell to the Community*. Cambridge University Press, 1981.
3. Jay McDaniel, p. 130 in *Church & Society: Report and Background Papers*, Meeting of the Working Group, Glion, Switzerland, Sept. 1987. World Council of Churches, Geneva.

When we begin to perceive other existences . . . the notion of human "superiority" is shattered.

Right, greyhounds pursue a live domestic rabbit attached to a mechanical arm at a Florida training track. Opposite, jackrabbits such as this one, confiscated by wildlife officers, traditionally are used to train racing greyhounds.



HSUS/EISNITZ

On the fateful morning, [Robert] Mendheim had just finished schooling twenty-two pups when eleven police cars came tearing up the road. "You'd have thought they were after Bonnie and Clyde or John Dillinger," Mendheim said. In addition to the planted eyewitnesses, agents hiding in shrubbery with long distance lenses had taped the entire [training] exercise....—Greyhound USA, January 1989

No, it wasn't Bonnie and Clyde or John Dillinger Florida law-enforcement officers were after, but greyhound trainers suspected of breaking state law. On the morning of October 4, 1988, The HSUS, with assistance from state and local law-enforcement agents, converged on a Lee, Florida, greyhound training track to arrest dog trainers for using live rabbits as lures for their charges. In the first felony raid of its kind, the Lee, Florida, action followed the first successful infiltration of such a training operation in the United States.

Robert Mendheim—one of America's most prominent greyhound owners with many of the country's most successful dogs—was not the target of the sting operation. He was just one of several trainers charged with releasing dogs to chase a live domestic rabbit at the training track that morning. In all, a dozen people were arrested; four, including Mr. Mendheim and track owner/operator George Frost, were charged with third-degree felonies, another eight for misdemeanor offenses.

The HSUS's undercover investigation began in early 1988, after the HSUS Southeast Regional Office in Tallahassee received an anonymous tip that someone was dumping large numbers of jackrabbit carcasses in the Lee, Florida, area. A rural community, Lee is located sixty miles east of Tallahassee, near the Georgia state line. A large number of highly successful greyhound owners and trainers reside there.



HSUS/BEVAN

Twelve-dollar Jacks

Faster than domestic rabbits, jackrabbits are traditionally used in "coursing"—releasing two or more greyhounds in an enclosed field to chase, and ultimately savage, a jackrabbit. "Jacks," as they are called, are widely used for this purpose because they dart about quickly, giving greyhounds a good run for their \$12 cost. The dogs eventually catch up with their quarry,

FLORIDA'S FELONY GREYHOUND RAID

*A dozen
arrested
for use
of live
lures*

tearing it apart. The HSUS estimates that 90 percent of America's greyhound trainers believe that "bloodying" a greyhound in this fashion is a vital first step toward teaching a dog to chase the mechanical lure at the professional track.

Jackrabbits are captured primarily in Texas and New Mexico. Crammed into tiny compartmentalized crates without any food or water, they endure the long haul by truck to any of a number of states where they'll be used as bait. In their weakened, dehydrated condition, it's not uncommon for jackrabbits to die during transit or within hours of delivery, so survivors are generally used shortly after arrival.

Live Rabbits Whirled Around Track

In response to the anonymous call, The HSUS dispatched an investigator to the Lee, Florida, area to assess the situation. Using a cover that gave the investigator wide acceptance among kennel owners, the HSUS investigator made numerous visits to the Frost kennels. There, in addition to housing and schooling dogs for owners, George Frost operated a training track where, four mornings a week, as many as one hundred greyhounds came to train on live lures.

Over the course of several months, our investigator spent a great deal of time with the suspects and gained extensive information, not only about the widespread use of jackrabbits throughout the state, but also about the use of domestic rabbits during the second phase of the greyhound's schooling.

Once a young greyhound has had its share of jackrabbits, it graduates to the more sophisticated training track. Training tracks can range from small dirt circles with hand-operated "whirligigs" to elaborate quarter-mile set-ups with motorized mechanical arms; many such facilities operate clandestinely throughout Florida. There, live animals—usually domestic rabbits, although guinea pigs, chickens, and even cats have been known to be used—are fastened to the track's mechanical arm and whirled about the track at speeds of up to thirty-five miles per hour. As the dogs are released from the start box, the bait is chased—and ultimately caught—by the greyhounds when the track operator slows the mechanical arm. The dogs are then "teased" back to the start box by being allowed to savage the bait.

The HSUS investigator reported:

"When the mechanical arm stopped at a distance of approximately fifteen feet from me, I observed that the domestic rabbit was still alive. Suspended from the mechanical arm by a rope around its midsection, the rabbit struggled to free itself....

"With each successive run around the

track, the rabbit became increasingly dirty until it looked almost brown. It was not possible to determine at what point the rabbit lost consciousness or died, due to the fact that the mechanical arm was in constant motion.

"When I asked why the domestic rabbits must be used live, I was told that live rabbits are what the dogs are used to and that's what they expect....

"When I visited the Frost training track, I was surprised to see the large number of dog trucks lined up, waiting to run their greyhounds on live lures," said the investigator. "And I was told that many of the people who came to the track had travelled

mechanical lures at the training track. "Greyhounds are sight hounds, not scent hounds," our investigator continued, "and they'll chase after *any* fast moving object."

The use of live lures remains a standard training practice throughout the industry. Greyhound trainers, steeped in tradition, consistently assert that live lures give their dogs the added edge they need at the track.

"Some trainers go so far as to 'shake their dogs up' with a live jackrabbit or kitten immediately before a race," says HSUS Investigator Robert Baker, "a practice that is not only illegal under Florida's felony law, but is considered a form of race fixing, as well." Mr. Baker has been investigating dog



Greyhounds are teased back to the start box by being allowed to tear at and torment the rabbit dangling helplessly from the mechanical arm.

from several counties, despite the fact that what they were doing was a felony. It just didn't make sense that so many people continued to use live lures, especially when a few training tracks in the state had already switched to artificial lures."

Artificial lures, the most popular of which is the jack-a-lure, are now available to greyhound trainers as a humane alternative to live bait. "The jack-a-lure, which is simply a ball of fur fastened to a motorized rope, is used to simulate a jackrabbit," said the investigator, who had seen it in operation several times, "and it's highly effective for field training of greyhounds." There's no measurable difference reported in the performance of greyhounds that have been trained on live lures and those that pursue

racing for six years. In all, he estimates that more than one hundred thousand animals each year suffer the trauma of being chased and caught by greyhounds in training exercises or simply thrown into kennels to excite the dogs. Lure animals are often used repeatedly until they are ripped apart by the dogs or are tossed onto a pile to die.

Florida Unique in Many Ways

Although dog racing is legal in nineteen states, nearly 40 percent of all racing in the country is conducted in Florida, which is a leading state in the breeding and training of greyhounds as well.

Florida is also unique in that, in 1986, following more than a decade of legislative efforts by The HSUS, a strong state law was

enacted prohibiting the use of live lures for the baiting of animals. F.S. 828.122 makes the baiting of animals a felony offense, with penalties up to five years in prison and/or a \$5,000 fine. Those who attend the "fighting or baiting of animals" are guilty of a misdemeanor and, if convicted, face up to one year in prison and/or a \$1,000 fine.

"While several states have enacted legislation that specifically prohibits greyhound baiting," says Mr. Baker, "Florida is unique in that it's the only state where greyhound breeding and training occur to any great extent where strong legislation exists." In Texas and Kansas, two leading states for training, legislation prohibiting live lures is either inadequate or nonexistent.

In 1986, the Florida Game and Fresh Water Fish Commission adopted a regulation prohibiting the importation of jackrabbits—considered to be agricultural pests—into the state. Previous to the new regulation, tens of thousands of jackrabbits were being legally imported into the state each year. Despite the new regulation, however, thousands of jackrabbits continue to be smuggled into the state, and, in August of 1988, one supplier was cited and fined by the Florida Game Commission for bringing jackrabbits into the state from Alabama.

"Instant Invasion"

After gathering critical information about suppliers illegally importing jackrabbits into the state and having witnessed and photographed the use of live domestic rabbits, the HSUS investigator had the necessary evidence to move. Because of the Florida Game Commission's interest in illegal jackrabbit importation, The HSUS was able to enlist that agency's support, and an investigator with the Florida Game Commission was introduced to and accepted by greyhound trainers.

On Tuesday, October 4, at 5:00 a.m., officers with the Florida Game Commission and Madison County sheriff's office met with the HSUS investigator and Southeast Regional Director Marc Paulhus to discuss plans to carry out the morning raid. Most present were instructed to take their positions within two miles of the Frost training track. Two officers proceeded to set up videocamera equipment in a wooded area adjacent to the training track to tape the training exercise.

At dawn, the HSUS investigator and the game commission investigator arrived at the track to observe training. Robert Mendheim, who lives only a few miles from the training track, was first on line, and a few other greyhound trainers were present, awaiting start-up of the track. At approximately 7:35, a live domestic rabbit was tied

INDUSTRY ADMITS ITS IMAGE TAINTED BY LIVE LURES

The HSUS was surprised (and delighted) to find a commentary in the December 1988 issue of *Greyhound USA* that openly acknowledged the serious problems plaguing the greyhound industry. According to *Greyhound USA* writer Tom Jicha, the American Greyhound Track Operators Association (AGTOA) had been shopping for a new public relations firm to help improve the industry's poor image when Ketchum Public Relations of Washington, D.C., responded to the plea. A vice president there had once worked at a dog track and believed a potential existed to boost the industry's status.

After the firm began to examine the greyhound industry, "it took a look at dog racing's situation and said, thanks, but no thanks," reports Mr. Jicha in *Greyhound USA*. Ketchum Public Relations withdrew itself from consideration for the account.

In his letter of withdrawal, Ketchum Public Relations Senior Vice President Ronald Mueller stated, "Ketchum has a great deal of experience in implementing successful, national-image enhancement programs and in dealing with animal-rights issues. But we have found that in order for image-enhancement programs to work, the client must be willing and able to make substantive, important changes in its operations, and in our interviews with several of your members, we did not find a consistent and eager willingness to make changes."

According to Mr. Jicha's commentary, "Mueller informed track owners that the two most formidable obstacles to greyhound racing gaining widespread acceptance are the live lure issue and the disposition of greyhounds after their racing careers." (Destroying dogs that no longer make money—to save on feed costs—is standard practice nationwide, and most greyhounds are killed between two and five years of age. With the death toll reaching more than thirty thousand greyhounds each year, those that are not euthanatized are shot, abandoned, or sent to research facilities.)

"Mueller said his firm's research indicates the live lure issue, which, unfortunately, made its way back into the news recently with the well publicized arrests

of dogmen in North Florida, is an economic problem," continued Mr. Jicha.

Mr. Mueller was quoted as saying, "We looked into this extensively and found that there was no measurable difference in the performance of greyhounds who are trained on live lures and those who are trained on mechanical devices. It is more costly to use artificial lures, however."

"A number of veteran dogmen would disagree strenuously with this assessment," stated Mr. Jicha in his commentary, "arguing that at some point in their development young greyhounds must be given the chance for a kill.

"It really doesn't matter," he continued. "(T)he sport is going to have to come up with a way to train greyhounds without using live rabbits. It might be costly to...experiment with the problem, but it's money that's going to have to be spent sooner or later. If it's later, there will be untold amounts spent defending those caught defying the law in the interim.

"It can be pointed out, accurately," continued Mr. Jicha in an attempt to defend greyhound trainers, "that it is not the Easter bunny we are talking about, that jackrabbits are crop-destroying rodents no different than mice or rats." (Apparently Mr. Jicha got his facts wrong, because domestic rabbits—as well as jackrabbits—are *exactly* what The HSUS is talking about.) He continued, "Yet there is still no way to put a happy face on hanging an animal from a rotating arm and eventually allowing dogs to tear it apart. Anyone who thinks this is ever going to be accepted is a fool."

Mr. Mueller points out that the problems plaguing the industry need not be eliminated immediately, but there must be signs that sincere efforts are underway to change. He concludes his letter of withdrawal by stating, "If at some point your members decide they want to *change* the *circumstances*, you might then want to decide which...public relations firm can best implement a program to *communicate* the *change* to the American public, with the goal being to *change* their *opinions* based on *changed reality*."

Mr. Jicha responded, "We should all live so long." ■

by the abdomen to the track's mechanical arm and whirled once around the track to ensure that the track was in good working order. Shortly thereafter, the first two greyhounds were released to pursue the pathetic

southeast office.

At press time, a continuance had been issued for the felony trial and no new court date had been set.

In addition to the criminal charges against



Florida Game Commission officers remove a dead domestic rabbit from the training track's mechanical arm after the October raid. Florida has a strong state law prohibiting live lures for the purpose of baiting animals.

creature as it whirled face down around the quarter-mile track. After the initial run, the dogs were teased back to the start box by battering the live rabbit.

After eighteen greyhounds had raced around the track, and a number of additional trainers had pulled their dog trucks into the line of waiting vehicles, the game commission investigator gave the go-ahead to waiting units to move in. "Man, they came racing up in their vehicles and climbing over the fences," one greyhound trainer was quoted by the *Madison County Carrier*. "We were instantly invaded." A total of eight marked and unmarked vehicles converged on the property. Track owner Frost, Robert Mendheim, and two others were charged with felonies, while eight individuals waiting to run their dogs were cited as first-degree misdemeanants.

All sixty-eight dogs present at the time were photographed and catalogued, and a search warrant was obtained. A search of the Frost premises revealed evidence documenting the purchase of both domestic rabbits and jackrabbits, which may prove useful in future prosecution of suppliers. All domestic rabbits on the property were seized and were being cared for by the HSUS

those participating in the baiting exercise, all individuals face severe penalties meted out by the Florida Division of Pari-Mutuel Wagering, which regulates dog racing throughout the state. According to that agency's regulations, "Any person . . . found guilty of using or permitting the use of rabbits, cats, or fowls or other animals in the training of racing greyhounds shall be fined or suspended or both..." The regulations go on to specify that all dogs owned in part or whole by those found guilty can be barred from racing, not just the sixty-eight greyhounds present during the raid.

To date, the Florida Division of Pari-Mutuel Wagering has been very thorough in its investigation of the circumstances surrounding the October raid, and The HSUS is looking to that agency to impose stiff penalties, pending an administrative hearing, on those involved—suspending hundreds of dogs from racing. Such a move would send shock waves throughout the entire greyhound industry and serve as a deterrent to those currently using live lures in their training regimens.

Needless to say, the October raid made headlines and television coverage throughout the state, and anonymous tips have been

pouring in since. One, in fact, led to the November arrest of another Madison County, Florida, man who was caught with seventeen jackrabbits in his pickup truck. (According to another Florida statute, it is a misdemeanor to possess nonindigenous animals without a special permit.) At his trial, that individual, employed by a well-known north Florida greyhound trainer, stated that he purchased the jackrabbits for cooking purposes. Thereafter, his mother took the witness stand, where she reportedly rattled off her recipe for jackrabbit stew!

"It's particularly ironic that the vast majority of greyhound trainers continue to use live lures," says investigator Baker, "while, at the same time, in those states where attempts are underway to legalize dog racing, industry leaders are telling legislators that live-lure baiting is an archaic practice that's been superseded by mechanical lures."

"Just two years ago," said our investigator, "Robert Mendheim telephoned our Tallahassee office to boast that he was no longer using live lures in training. Look where he is today."

"While we are pleased with the Lee bust," the investigator continued, "we realize that it represents only a very small step toward getting the industry to clean up its act. During the investigation, and with all the tips we've received since, it's become very clear that this is a huge problem throughout the greyhound industry, and one we will continue to expose until it stops."

THE HSUS POLICY ON GREYHOUND RACING

The Humane Society of the United States condemns greyhound racing and, specifically, the training event known as coursing, in which greyhounds are released to chase and kill a hare or other animal, and all practices utilizing live hares or other animals as lures in training greyhounds. It is HSUS policy, therefore, to oppose dog racing because of cruel training methods, the large scale breeding of greyhounds in the hope of producing a winner, the often cruel methods by which non-winners are sometimes killed, and because this so-called sport is an inhumane and unjustified exploitation of animals for profit. In accordance with this policy, the Society works to prevent legalization of dog racing in states where it is not permitted and establishment of racing tracks in communities where none now exist.

SOUTHEAST

DISSECTIONS PROCEED

Despite strong opposition, the Charlotte County (Florida) School Board has voted to continue allowing the dissection of dead cats in its high schools. Southeast Regional Program Coordinator Laura Bevan attended a public hearing on the issue and testified that dissections on the high school level are unnecessary.

The dissections are taking place despite a 1985 Florida law intended to halt the practice. The wording of the law is poor, however, and dissections are occurring throughout the state. A bill before the Florida legislature this year would eliminate the problem language and severely restrict the use of animals in Florida's classrooms.

PROGRESS IN PUERTO RICO

In December, The HSUS visited Puerto Rico when a contingent of our staff traveled there to work for improved animal welfare. The American territory has severe animal-cruelty and dogfighting problems, with little animal control. Southeast Regional Director Marc Paulhus, Laura Bevan, and Dr. Susan Lieberman, joined by John Snyder of the National Animal Control Association, conducted a one-day seminar on humane and wildlife issues and visited local legislators, humane societies, animal shelters, and zoos. One of Puerto Rico's most powerful lawmakers has already agreed to sponsor legislation to make dogfighting a felony.

REGIONS REVIEW



Southeast Regional Director Marc Paulhus (left) and others search the site of a Santeria sacrifice in a Miami Park.

POPULAR WORKSHOPS

The Southeast Regional Office's work to stop the horrors of

animal sacrifice has resulted in a flood of requests from humane groups for more information on the subject. Mr. Paulhus has traveled throughout the region to

give workshops on satanism and Santeria and the use of animals in their rituals. In North Carolina, almost two hundred law-enforcement officers attended an all-day seminar to learn how to recognize and combat the problem in their own areas. Mr. Paulhus is scheduled to conduct seminars on the subject in Connecticut and California in upcoming months.

WELCOME, MISSISSIPPI

The Southeast Region has been expanded to include another state. As of the new year, Mississippi joined Florida, Georgia, Alabama, and South Carolina to become the fifth state covered by the office. We welcome all our new members and look forward to working for and with you. ■

DOGFIGHTERS PLEAD GUILTY

In June 1988, a major dogfighting raid took place in Clermont and Clinton counties in Ohio as a result of an intensive investigation conducted by the Clermont County Sheriff's Department and the Federal Bureau of Investigation (see the Fall 1988 *HSUS News*). The Great Lakes Regional Office assisted in the investigation and raid.

Two couples were arrested: Gregory (William) Lowe and Margaret Samantha Lowe of New Richmond, Ohio; and Kenneth Gaines and Cathy Bell Gaines of Blanchester, Ohio.

Cathy Bell Gaines pleaded guilty to state felony charges of dogfighting in January 1989.

Kenneth Gaines, however, did not plead because he was hospitalized on the day of the hearing. As of the end of February, no new date had been set for a hearing on the dogfighting charges. On February 27, Mr. Gaines did plead guilty to federal felony drug charges which



One of the fighting dogs seized in the June 1988 raid on the Lowes' property.

resulted from the dogfighting investigation.

The Lowes' decision to stand trial, on February 21, forced the prosecution to present three days of graphic evidence to the court, including tape recordings which allowed the jury to hear the gruesome details of the world of dogfighting. Great Lakes Regional Director Sandy Rowland was qualified by the court as an expert witness in dogfighting and provided definitions of dogfighting terms to the jury and identified specific evidence that was taken in the raid.

After three days of presentation of evidence, the Lowes pleaded guilty to three state felony charges, one each for fighting, training, and selling a dog for the purpose of fighting. Charges of dogfighting against their son were dropped.

Sentencing was scheduled for March. ■

FIFTEENTH PROTEST

For the fifteenth year, representatives of animal-protection groups, organized in 1988 by the HSUS Mid-Atlantic Regional Office and Deer, Inc., protested against the annual deer hunt held at the Great Swamp National Wildlife Refuge in New Jersey in December. More than sixty protesters greeted hunters on opening day.

Mid-Atlantic Regional Director Nina Austenberg criticized state wildlife officials for failing to achieve their stated goal of reducing the numbers of deer. The state deer herd is currently estimated at 160,000, as opposed to 130,000 in 1970.

The Mid-Atlantic Regional Office would like to thank Animals Need You, the Mt. Pleasant Animal Shelter, the Jersey Shore Animal Center, the New Jersey Animal Rights Alliance, and those supporters who came from Pennsylvania to participate in the protest.

AWARD FOR SENATOR RUSSO

Representatives of several animal-protection groups were on hand as New Jersey Senate President John F. Russo received the Humane Society of the United States Certificate of Appreciation on January 31, 1989, at the New Jersey state house. Sen. Russo has introduced legislation to expand the state's animal-population-control fund to include cats and dogs adopted from shelters, a bill to abolish the Draize test, and a bill to prohibit black-bear hunting. He has, as well, lent his support to

other bills, including a bill to ban any substances that act as neuromuscular blocking agents in pet euthanasia and a bill to increase fines for animal fighting.

REGIONAL WORKSHOP

A workshop is planned for June 7, 8, and 9 at the Quality Inn in

East Brunswick, N.J. It will be sponsored by the Mid-Atlantic Regional Office and the New Jersey State Department of Health. The first day will feature a rabies update for New Jersey. On the second and third days, workshops on the New Jersey pet-shop regulations, animal behavior and vicious-dog legislation, shelter procedures, and

satanic rituals and Santeria are planned.

The conference is open to animal-control officers, humane-society workers, HSUS members, and the general public. For further information, contact the Mid-Atlantic Regional Office, Bartley Square, 270 Route 206, Flanders, NJ 07836. ■



Exotic birds will have increased protection in Washington if a bill now pending before that state's legislature is passed.

SAKACH JOINS TASK FORCE

West Coast Regional Investigator Eric Sakach has been appointed to a California task force whose purpose is to establish guidelines for the humane handling of wild and exotic animals in captivity. The task force was organized following public hearings held by California State Senator Dan McCorquodale, the chairman of the senate committee on natural resources and wildlife, to investigate the alleged

beating of an elephant at the San Diego Wild Animal Park in February 1988 (see the Fall 1988

HSUS News). The task force is made up of representatives of zoological institutions, animal-welfare organizations, and government regulatory agencies.

The HSUS is urging the American Association of Zoological Parks and Aquariums to use all possible resources to recommend sensible and humane guidelines for the management of elephants.

PROTECTION FOR EXOTIC BIRDS

On February 17, 1989, HSUS Associate Director of Wildlife and Environment Dr. Susan Lieberman testified before the Washington State Committee on Fisheries and Wildlife in support of H.B. 1614, which would protect exotic birds. The bill, in-

troduced by Representative Ken Jacobsen, would prohibit the sale of any bird or bird egg taken from the wild and would ban the importation of such birds or eggs into the state of Washington.

The West Coast Regional Office urges all Washington members to write or phone their state representatives in support of H.B. 1614.

NEW CALIFORNIA BILLS INTRODUCED

California Sen. Alan Robbins has introduced a bill requiring the labeling of all cosmetic and household products that are tested on animals. S.B. 60 would require a conspicuous statement on the label or package indicating that live animals were used in the testing of that product.

Sen. Art Torres has introduced a revised version of a vicious-dog bill that failed in last session's legislature. S.B. 428 will define "potentially dangerous" and "vicious" dogs according to their actions. It will also specify the hearing process available to owners of dogs alleged to be potentially dangerous or vicious. The bill differs from last year's version in that it states that cities and counties may adopt their own programs to deal with such animals as long as the program is not specific as to breed. ■



A barroom wrestling-bear act features a defanged, declawed, and chained bear used for "entertainment" purposes.

CATTLE STARVATIONS

Early in November 1988, thousands of cattle were found starving to death on a North Texas ranch in Kaufman County. Many of the cattle could not stand and some had lost their sight. It was estimated the cattle had not been fed since July.

The HSUS Gulf States Regional Office contacted the Kaufman County district attorney to ask that the defendant in this case be prosecuted to the full extent of the law. Thirty-two counts of cruelty have been filed against him. The HSUS will continue to monitor this case.

STOP BARROOM BEAR ACTS

In Slidell, La., recently, animal activists saw to it that a barroom "rasslin' bear" act featuring a Siberian grizzly was cancelled. Working with health officials, they found

that the state sanitary code prohibited animals from eating-and-drinking establishments. Health officials enforced the code and closed the show.

If you want to stop exploitation of animals in events such as these, talk to your state representative and ask him or her to introduce legislation to outlaw animal and human fights. The Gulf States Regional Office can provide you with a model law. For more information, contact the office at 6262 Weber Rd., Suite 305, Corpus Christi, TX 78413.

TEXANS AGAINST DOGFIGHTS

The Texas Department of Public Safety has assigned several full-time intelligence officers to investigate and stop illegal dog-and-cockfights and criminal activities in connection with dog and horse racing in Texas. The HSUS is working closely with this special division. A dogfight raid in Mathis, Tex., led to the arrests of fourteen people and the confiscation of \$22,000 in gambling money. ■

OPERATION COOPERATION

There was some good news for the remaining animals at the Animals Farm Home in Ellenville, N.Y., following the sentencing of its owner, Justin McCarthy, on four counts of cruelty to animals in December. In November 1987, the New England Regional Office staff had assisted New York authorities with one of the country's worst cruelty cases ever (see the Summer 1988 HSUS News and related

article in this issue, p. 10). More than 250 animals taken from the Animals Farm Home were adopted by individuals or sent to area animal shelters for placement.

Approximately 125 pets at the Animals Farm Home remained and had to be placed by the end of 1988. New England Program Coordinator Frank Ribaudo devised "Operation Cooperation," a program to place the remaining animals in humane-society shelters in Connecticut, Maine, New Hampshire, and Massachusetts. Mr. Ribaudo met with humane-society federations and individual groups throughout the region, and the response was enthusiastic. By year's end, all the remaining dogs were placed with shelters and many had already been adopted into good homes.

TESTIMONY IN NEW HAMPSHIRE

For the third year in a row, New England Regional Director John Dommers addressed the New Hampshire legislature's fish and game committee in strong op-

position to a hunter-harassment bill. Mr. Dommers supported the New Hampshire Civil Liberties Union's request that the bill be submitted to the state's supreme court for an opinion. The bill has been labeled unconstitutional twice before by the court.

The HSUS New England Regional Office also supported a New Hampshire bill to ban the use of steel-jaw traps and a bill to prohibit dogs and people from riding in the open beds of pickup trucks. We opposed a bill to appropriate \$35,000 in matching funds to study the feasibility of developing a state zoo or aquarium. The appropriations committee rejected the funding for the bill. ■

LAWSUIT TO STOP DEER KILL

In a last-minute effort to stop the shooting of excess deer in the Ryerson Forest Preserve District near Chicago in Lake County (Ill.), The HSUS has joined forces with the Concerned Veterinarians and Citizens Committee, a local group opposing the hunt, in a lawsuit to prevent the slaughter.

The action came about after weeks of discussions between animal-protection groups and the Lake County Forest Preserve District failed to produce any acceptable solution to the problem. Although the number of deer at the preserve has not been officially determined, plans by the forest-preserve officials called for the elimination of all but twelve deer by hiring marksmen to shoot them. ■

EXPERT ASSISTANCE

The HSUS is pleased to announce that former U. S. senator John Melcher of Montana will be assisting us as a legislative consultant on critical issues. Sen. Melcher, a veterinarian and a strong proponent of animal protection, was the author of a 1985 Animal Welfare Act amendment which states that anyone subject to the Act must provide for the psychological well-being of primates and a 1988 National Institutes of Health (NIH) appropriations amendment prohibiting NIH grant recipients from using chimpanzees taken from the wild. It is a boost for animal-protection efforts to have this talented and dedicated senator working with us.

During this congressional session, The HSUS will continue to benefit from the political skills of former U. S. senator Paul Tsongas of Massachusetts. Sen. Tsongas will continue as a consultant to The HSUS on laboratory-animal issues.

EMERGENCY ACTION NEEDED

On February 16, 1989, a coalition of animal-welfare and conservation organizations, led by The HSUS, submitted a petition to the U.S. Department of the Interior to list the African elephant as an endangered species. Twenty years ago, there were millions of African elephants. As recently as 1981, there were estimated to be 1,200,000 elephants in Africa, which dwindled to less than 800,000 in 1987 (see the Spring 1988 *HSUS News*). Recent reports place the current number at just under 400,000. Unless the ivory



Dr. Susan Lieberman, of The HSUS, and former senator John Melcher testify to have the African elephant declared endangered.

trade is ended, the African elephant may become virtually extinct in from five to ten years.

The vast majority of all ivory on the world market, including the ivory the United States imports, is from poached elephants. The United States should set an example that the rest of the world will quickly follow. While the recently passed Elephant Conservation Act of 1988 bans the importation of ivory from certain countries, additional action by the Interior Department is also needed. Should the secretary of the interior list the elephant as an endangered species immediately, it will prohibit all commercial trade in ivory in the United States.

Please write Secretary of the Interior Manuel Lujan, Jr., at: Department of Interior, 18th and C Streets, NW, Washington, DC 20240, and ask him to take emergency action to list the African elephant as an endangered species. Also, urge your legislators to send letters to Secretary Lujan seeking emergency action on the petition.

MORATORIUM NEEDS SUPPORT

The HSUS will again be backing legislation in 1989 to impose a moratorium on the patenting of genetically altered animals. Although the moratorium bills introduced by Senator Mark Hatfield of Oregon and Representative Charlie Rose of North Carolina in the One-Hundredth Congress did not pass, extensive hearings were held in the House Judiciary



Rep. Toby Roth

Courts Subcommittee, chaired by Rep. Robert Kastenmeier of Wisconsin, and the House of Representatives passed a substitute bill introduced by Rep. Kastenmeier. That bill might have discouraged extensive genetic engineering of farm animals because it exempted farmers from patent royalties on the offspring of these animals, but, predictably, even this simple bill was opposed by the biotechnology industry. Since it was controversial, the Senate Judiciary Patents Subcommittee refused to consider it in the last days of Congress.

The HSUS is a member of a coalition of animal-protection groups, farm groups, environmental groups, public-interest groups, and religious leaders that agree that animal patenting is a controversial issue. We believe a moratorium should be imposed while the ethical, animal-suffering, environmental, and economic ramifications of patenting are thoroughly studied and laws and regulations established to appropriately deal with these problems. Please let your federal legislators know that you are concerned that animal-welfare regulations do not cover rats, mice, and farm animals, the very animals which will be the most extensive subjects of genetic engineering. In your letter, ask legislators to support a moratorium so that this issue can be studied before more patents are issued.

LEGISLATIVE ROUNDUP

While the One-hundred-and-first Congress is in its early stages, efforts are already underway to legislate on a variety of animal issues. Rep. Toby Roth of Wisconsin

has introduced H.R. 425, which would amend the Animal Welfare Act to enable the attorney general to obtain an injunction or temporary restraining order against a dealer, carrier, exhibitor or intermediate handler of stolen animals, or a person who places any animal in serious danger, pending the U.S. Department of Agriculture (USDA) being able to take action in the matter. The bill, endorsed by the USDA, has thirty-six cosponsors. Please write to your members of Congress and ask them to join the growing list of cosponsors of the bill.

A bill focusing on the wildlife refuge system, H.R. 89, has been introduced by Rep. Charles Bennett of Florida and would help protect endangered species in national forests, refuges, and the park system by increasing the maximum fine that could be imposed for violations of posted speed limits in those facilities.

Rep. Bennett has also introduced H.R. 84, the Veal Calf Protection Act, which would prohibit unnecessary physical restrictions on crated veal calves and is similar to the 1987 bill he introduced. Both bills prohibit raising or transporting of calves in crates that prevent sufficient movement. H.R. 84 more specifically prescribes minimum space in an enclosure, imposes a civil penalty of up to \$3,000 for violations, and provides violators the right to appeal the decision. Since strong opposition is expected from farmers, please write your congressperson and senators and ask them to cosponsor and support H.R. 84.

Rep. Robert Dornan of California has reintroduced legislation which would ban the use of live lures such as rabbits and other small mammals in the case of dog racing or training for dog racing. H.R. 578 has twelve co-

sponsors and has been referred to the House Agriculture Committee.

MMPA UPDATE

An amendment to the Marine Mammal Protection Act, sponsored last fall by Massachusetts Rep. Gerry Studds, would have expanded U.S. ability to impose economic sanctions on any country that violates international fishery conservation agreements and



Economic sanctions against countries that violate international fishery conservation agreements would help protect marine mammals from the harmful effects of driftnet fishing.

provided the clout needed to force compliance with the worldwide whaling moratorium.

The Studds Amendment would have strengthened the Pelly Amendment to the Fishermen's Protective Act, which enables the president to embargo only fish from countries that continue to hunt whales or violate driftnet regulations or other marine conservation treaties. Rep. Studds's proposal would have expanded embargo authority beyond fish to any and all product exports from offending countries. The amendment would have enabled the presi-

dent to embargo Japan's wide range of exports to the United States, including Japanese cars, computers, electronics, and other products.

Although the Marine Mammal Protection Act amendments signed into law by the president on Nov. 23, 1988, do not include the Studds Amendment, Congress did expand the Pelly provisions somewhat by including all aquaculture products (pearls, seaweed, etc.) along with the fish that the president can already em-

TAX REFORM LOOMS

Looming on the horizon is a fight to reform the Unrelated Business Income Tax (UBIT), which could have a direct negative impact on activities of animal shelters and charitable animal hospitals. Currently, a humane society's income from providing veterinarian services (with the exception of such procedures as grooming) to the public for free or at a cost plus 10 percent rate is not subject to the UBIT tax. The House Ways and Means Subcommittee, encouraged by members of the veterinarian community, wants to revamp the law so that it exempts only emergency medical care, sterilization, and public-health measures, such as anti-rabies shots, from UBIT taxes. Hence, a portion of clinical operations could be subject to the UBIT taxes.

Reform of the UBIT tax could also have broader ramifications, subjecting shelters and charitable animal hospitals to state and local taxes. Furthermore, it could undermine donors' ability to receive federal tax deductions for donations of money and goods to animal shelters.

The HSUS and the Michigan Humane Society have been leading the fight to block changes in UBIT.

It is important that you write your legislators to stress that any reform of the UBIT law could seriously undermine shelters' and charitable animal hospitals' ability to serve the community and it should be opposed. ■

Any member of the Senate may be reached c/o the U.S. Senate, Washington, DC 20510. Any representative may be reached c/o the House of Representatives, Washington, DC 20515.

HARASSMENT LAW VOIDED

In December, the United States Court of Appeals for the Second Circuit issued an opinion confirming the unconstitutionality of Connecticut's hunter-harassment law. A federal trial court had invalidated that law, but the state appealed to the second circuit (see the Spring 1988 *HSUS News*). The law as enacted made it unlawful for anyone to harass or interfere with anyone engaged in the lawful taking of wildlife or who was "in preparation" for such taking.

The court of appeals determined that the statute criminalized a substantial amount of constitutionally protected speech and that the state of Connecticut had made no showing that protecting hunters from harassment was a compelling state interest so as to justify the restriction on speech that protests or opposes hunting.

The court further found that the law, in seeking to protect people who were not only hunting but also preparing to hunt, had the potential for restricting anti-hunting speech in circumstances taking place long before the actual act of hunting.

HSUS ACTS IN DRUG CASES

In the fall of 1988, the HSUS Office of the General Counsel filed briefs *amicus curiae* (as "friends of the court") with the United States Supreme Court and the United States Third Circuit Court of Appeals opposing a policy by the Food and Drug Administration (FDA) that may hamper veterinarians' ability to prescribe drugs to animals in need of treatment.

For years, the FDA has per-



Opponents of hunting may express their views without fear of Connecticut's anti-harassment statute, struck down recently.

mitted veterinarians to purchase in bulk form animal drugs that the practitioners would then combine for use in treating their animal patients, in spite of the fact that the FDA had not approved such drugs for the particular clinical uses the veterinarians had chosen. However, in 1986, citing federal labeling violations, the FDA seized from manufacturers in Illinois and New Jersey numerous lots of drugs in bulk form which were being held for later sale to veterinarians, who would compound them into finished drug products for the treatment of farm animals. The manufacturers opposed the seizures, which caused two lawsuits.

The courts in these cases issued conflicting decisions over whether the FDA had the authority under the Food and Drug Act to approve such drugs prior to their clinical use and whether Congress had intended to interfere with the discretion that veterinarians have traditionally employed in compounding their own drugs when necessary. The issues may ultimately have to be decided by the U.S. Supreme Court, and The HSUS, in its brief, urged the court to take the case to clarify these matters.

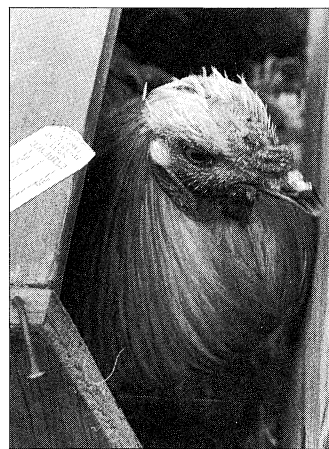
While veterinarians disagree about the extent of the potential impact of the FDA's new, more restrictive policy, we are concerned that the new FDA position will result in significant suffering on the part of animals in need of veterinary care, since veterinarians will be reluctant to compound their own drugs. There are a number of commonly encountered diseases afflicting both food and companion animals for which there are no currently approved drugs, but which have been regularly treated by using unapproved drugs. Veterinarians also find it

necessary to use even FDA approved drugs in manners other than that for which they have been approved. Antibiotics, for example, frequently need to be prescribed in much higher doses than are sanctioned by FDA labeling. In addition, recently emerging veterinary specialties such as oncology, ophthalmology, and cardiology rely heavily upon the use of drugs approved by the FDA only for human use. These specialties and related research would be set back by the FDA's restrictive policy. Moreover, many drugs are approved only for use in particular species, even though veterinarians commonly use them in other species requiring treatment, particularly exotic or unusual species.

While The HSUS recognizes the great value of the FDA's regulation of new drugs to ensure safety and effectiveness, we believe that the paramount consideration must be to ensure needed individualized treatment of animals to prevent suffering.

SPECTATORS, BEWARE

In January 1989, the Supreme Court of the United States declined to review a decision of a California district court of appeals which upheld the constitutionality of a California statute that criminalizes being present at a cockfight as a spectator. The Supreme Court's decision not to review the case means that the state appellate court's opinion remains in effect and that spectators at cockfights in California may continue to be prosecuted. ■



A fighting cock seized in a California raid is evidence of illegal activity.

The law notes are compiled by HSUS General Counsel Muraugh Stuart Madden and Associate Counsel Roger Kindler.

1989 HSUS ANNUAL CONFERENCE SHARING THE EARTH

October 26-28, 1989
Westin Galleria
Houston, Texas

ENVIRONMENTAL POLLUTION

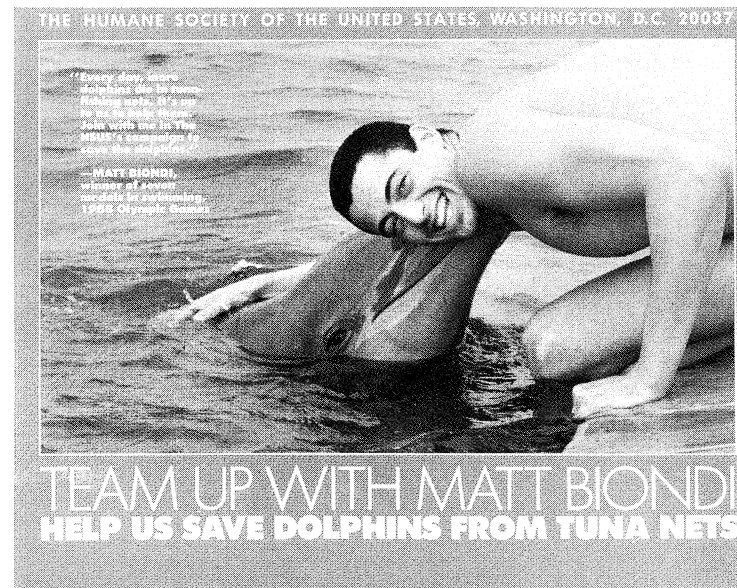
and the ever-increasing destruction of the earth's ecosystems

present the human species with one of the greatest challenges it has ever faced. Can we restructure our living and refocus our priorities in a way that will help to preserve the integrity of our planet and enhance the well-being of all living things? The HSUS annual conference will confront these issues and explore ways in which our attitudes and actions can make a difference.

The pre-conference symposium on October 25 will address the issue of sustainable agriculture and other alternatives for the production of food. Join us for what promises to be an exploration of new territory, with new priorities.

Complete program details and registration form will appear in the summer issue of the *HSUS News*, which appears in July.

The HSUS and Matt Biondi Team Up to Help Dolphins



Olympic gold medalist Matt Biondi perfected his winning swimming technique by practicing with dolphins. "Now, I owe the dolphins," he says.

As chairman of the HSUS children's campaign to save the dolphins, Matt is working to stop massive drownings of dolphins by the international tuna-fishing fleet.

For unknown reasons, yellowfin tuna swim under herds of dolphins in the Eastern Tropical Pacific Ocean. An estimated 125,000 dolphins drown each year when tuna fishermen intentionally cast their nets around both the dolphins and the tuna. Setting nets on dolphins, however, is completely unnecessary; less than 10 percent of the world's tuna is caught this way. Alternative methods of fishing for yellowfin tuna must be developed that do not involve the harassment and killing of dolphins and other marine mammals.

Help Matt and The HSUS help the dolphins by joining our education campaign. Our "Team Up with Matt Biondi" poster is available now. Post it in classrooms, offices, and libraries in your area.

Posters are \$2.00 each; 2-5 are \$1.50 each, postage and handling included.

For more information on how you can help save dolphins, contact: Save the Dolphins Campaign, HSUS, 2100 L Street, NW, Washington, DC 20037.

For children's education materials contact: The National Association for the Advancement of Humane Education, P.O. Box 362, East Haddam, CT 06423.



“But Mom,
I played
with Rusty
yesterday.”

We often assume that all children love animals. Unfortunately, that's not always true. Children have to be taught to care, especially if they are to grow up to be caring, concerned adults.

That's why humane education is so important. You can

help make it happen in our schools by participating in the HSUS "Adopt-A-Teacher" program. It's quick and easy!

For more information, write to **The National Association for the Advancement of Humane Education**, a division of The HSUS, P.O. Box 362G, East Haddam, CT 06423.

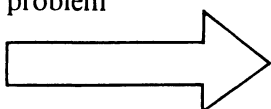


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